



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೮ Volume - 158	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ೧೪, ಮಾರ್ಚ್, ೨೦೨೩(ಫಾಲ್ಗುಣ, ೨೩, ಶಕವರ್ಷ, ೧೯೪೪) BENGALURU, TUESDAY, 14, MARCH, 2023(PHALGUNA, 23, SHAKAVARSHA, 1944)	ಸಂಚಿಕೆ ೫೪ Issue 54
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,  
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ  
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು  
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ  
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ ೦೪ ಕೇಶಾಪು ೨೦೨೩

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02.03.2023.

ದಿನಾಂಕ: 02.02.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE MARITIME ANTI-PIRACY ACT, 2022 (NO.  
3 OF 2023) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



# भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, बृहस्पतिवार, फरवरी 2, 2023/ माघ 13, 1944 (शक)  
No. 3] NEW DELHI, THURSDAY, FEBRUARY 2, 2023/MAGHA 13, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 2nd February, 2023/Magha 13, 1944 (Saka)*

The following Act of Parliament received the assent of the President on the 31st January, 2023 and is hereby published for general information:—

### THE MARITIME ANTI-PIRACY ACT, 2022

No. 3 OF 2023

[31st January, 2023.]

An Act to give effect to the United Nations Convention on the Law of the Sea relating to repression of piracy on high seas and for matters connected therewith or incidental thereto.

WHEREAS India is a party to the United Nations Convention on the Law of the Sea adopted by the United Nations on the 10th December, 1982 and has ratified the same on the 29th June, 1995;

AND WHEREAS the aforesaid Convention, among other things, states that all States shall co-operate to the fullest possible extent in the repression of piracy on high seas;

AND WHEREAS India, having ratified the said Convention, considers it necessary to give effect to the aforesaid Convention relating to piracy.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Maritime Anti-Piracy Act, 2022.

Short title,  
commencement  
and  
application.

80 of 1976. Exclusive Economic Zone and Other Maritime Zones Act, 1976, shall have the meanings respectively assigned to them in such Convention, the Codes or the Act.

**3.** Whoever commits any act of piracy, shall be punished—

Punishment  
for piracy.

(i) with imprisonment which may extend to imprisonment for life or with fine or with both; or

(ii) with death or with imprisonment for life, if such person in committing the act of piracy causes death or an attempt thereof,

and in addition shall also be subject to restitution or forfeiture of property involved in the commission of such offence.

**4.** Whoever attempts to commit the offence of piracy or aids or abets or conspires or procures for the commission of such offence shall be punished with imprisonment for a term which may extend to ten years or with fine or with both.

Punishment  
for attempt  
to commit  
piracy, etc.

**5.** Whoever participates or organises or directs other person to participate in an act of piracy shall be punished with imprisonment for a term which may extend to fourteen years or with fine or with both.

Punishment  
for organising  
or directing  
others to  
participate in  
an act of  
piracy.

**6.** Notwithstanding anything contained in the Code, the Central Government may, for the purposes of this Act, by notification, confer the powers of arrest, investigation and prosecution of any person exercisable by a police officer under the Code on any of its officer or such officer of a State Government.

Conferment  
of power of  
arrest,  
investigation,  
etc.

**7.** (1) The authorised personnel may, either generally or on suspicion that a ship is engaged in piracy on the high seas, board such ship and arrest the persons or seize the pirate ship and property on board.

Arrest of  
persons and  
seizure of ship  
and property.

(2) The ship or property seized under sub-section (1) shall be disposed of only by the order of the court.

**8.** For the purposes of providing speedy trial of offences under this Act, the Central Government shall, after consulting the Chief Justice of the concerned High Court, by notification, specify—

Designated  
Court.

(i) one or more Courts of Sessions in a State, to be the Designated Court for the purposes of this Act; and

(ii) the territorial jurisdiction of each such court:

Provided that such territorial jurisdiction shall be determined on the basis of the port or place of disembarkation within India of the person suspected or accused of an offence under this Act.

**9.** The Designated Court shall have jurisdiction to try an offence punishable under this Act where such offence is committed—

Jurisdiction of  
Designated  
Court.

(i) by a person who is apprehended by, or is in the custody of, the authorised personnel or the police, regardless of the nationality or citizenship of such person;

(ii) by a person who is a citizen of India or a resident foreign national in India or any stateless person:

Provided that nothing in this section shall apply to a warship or its auxiliary ship or a Government owned ship employed for non-commercial service and is under

the control of Government authorities at the time of commission of the offence of piracy.

Trial of  
offences by  
Designated  
Court.

**10.** (1) Notwithstanding anything contained in the Code,—

(a) all offences under this Act shall be tried by the Designated Court notified as such under clause (i) of section 8;

(b) where a person accused of, or suspected of, the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of section 167 of the Code, such Magistrate may authorise the detention of such person in such custody, as he thinks fit, for a period not exceeding fifteen days in the whole, where such Magistrate is a Judicial Magistrate, and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that where such Magistrate considers—

(i) at the time when such person is forwarded to him under this sub-section; or

(ii) at any time before the expiry of the period of detention authorised by him,

that the detention of such person is not necessary, he shall order such person to be forwarded to the Designated Court having jurisdiction.

(2) The Designated Court may exercise, in relation to the person forwarded to him under clause (b) of sub-section (1), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code, in relation to an accused person in such case who has been forwarded to him under that section.

(3) A Designated Court may, upon a perusal of a complaint made by an officer of the Central Government or the State Government, as the case may be, authorised in this behalf, take cognizance of that offence without the accused being committed to it for trial.

(4) While trying an offence under this Act, a Designated Court may also try an offence under any other law, other than an offence under this Act, with which the accused may be charged at the same trial under the Code.

(5) Notwithstanding anything contained in the Code, a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.

Presumption.

**11.** Where a person is accused of having committed an offence punishable under this Act and, if,—

(a) the arms, ammunitions, explosives and other equipments are recovered from the possession of the accused, and there are reasonable grounds to believe that such arms, ammunitions, explosives or other equipments of similar nature were used or intended to be used in the commission of the offence;

(b) there is evidence of use of force, threat of force or any other form of intimidation caused to the crew or passengers of the ship in connection with the commission of the offence; or

(c) there is evidence of an intended threat of using bombs, arms, firearms, explosives or committing any form of violence against the crew, passengers or cargo of a ship,

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(3) The provisions of this Act shall apply to the high seas.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "authorised personnel" means the officers and sailors assigned to warships or military aircraft of the Indian Navy or officers and enrolled persons of the Coast Guard assigned to ships or aircraft of the Indian Coast Guard or officers of the Central Government or the State Government authorised for any ship or aircraft clearly marked and identifiable as being on Government service;

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974.

(c) "Convention" means the United Nations Convention on the Law of the Sea, 1982;

(d) "Designated Court" means a Court of Session specified as such under section 8;

(e) "high seas" includes the Exclusive Economic Zone and all waters beyond the jurisdiction of any other State.

*Explanation.*—For the purposes of this clause, "Exclusive Economic Zone" means the Exclusive Economic Zone of any other State including the Exclusive Economic Zone of India;

(f) "notification" means a notification published in the Official Gazette;

(g) "other State" means any country other than India;

(h) "piracy" means—

(i) any illegal act of violence or detention or any act of depredation committed for private ends by any person or by the crew or any passenger of a private ship and directed on the high seas against another ship or any person or property on board such ship;

(ii) any act of voluntary participation in the operation of a ship with knowledge of facts, making it a pirate ship;

(iii) any act of inciting or of intentionally facilitating an act described in sub-clause (i) or sub-clause (ii); or

(iv) any act which is deemed piratical under the international law including customary international law;

(i) "pirate ship" means a ship which—

(i) is intended by the person in dominant control to be used for the purposes of committing any of the acts referred to in sub-clauses (i) to (iv) of clause (h); or

(ii) has been used to commit any such act, referred to in sub-clause (i) of this clause, so long as it remains under the control of the person guilty of that act;

(j) "ship" means—

(i) vessel or water craft of every description, including non-displacement craft;

(ii) sea planes and other aircraft,

used or capable of being used as means of transportation on water or engaged in any operations at sea.

*Explanation.*—For the purposes of this clause, "aircraft" shall have the same meaning as assigned to it in clause (1) of section 2 of the Aircraft Act, 1934;

22 of 1934.

(k) "stateless person" means a person who is not considered as a national by any country by virtue of its laws.

(2) The words and expressions used in this Act and not defined but defined in the Convention, the Indian Penal Code, the Code or the Territorial Waters, Continental Shelf,

45 of 1860.

then, the Designated Court shall presume, unless the contrary is proved, that the accused person had committed such offence.

**12. (1)** Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless—

Provisions as to bail.

(a) the Public Prosecutor has been given a reasonable opportunity to oppose the application for such release; and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding grant of bail under section 439 of the Code.

**13.** Save as otherwise provided in this Act, the provisions of the Code shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor appointed under the said Code.

Application of Code in proceedings before Designated Court.

**14. (1)** The offences under this Act shall be deemed to have been included as extraditable offences and provided for in all extradition treaties made by India with any other State and which extend to and are binding on India on the date of commencement of this Act.

Provision as to extradition.

(2) In the absence of a bilateral extradition treaty, the offences under this Act shall be extraditable offences between India and other State on the basis of reciprocity.

34 of 1962.

(3) For the purposes of application of the provisions of the Extradition Act, 1962 to the offences under this Act, any ship registered in other State shall, at any time while that ship is operating, be deemed to be within the jurisdiction of that other State whether or not it is for the time being also within the jurisdiction of any other State.

**15. (1)** No suit, prosecution or other legal proceedings shall lie against an authorised personnel for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or any State Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

DR. REETA VASISHTA,  
*Secretary to the Govt. of India.*

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-18**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 02 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02.03.2023.

ದಿನಾಂಕ: 09.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Ministry of Women and Child Development  
(Staff Car Driver) Recruitment Rules, 2022 ರ Notification-GSR 28(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ  
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF WOMEN AND CHILD DEVELOPMENT**

**NOTIFICATION**

New Delhi, the 9th January, 2023

**G.S.R. 28(E).**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of this Ministry's Recruitment Rules(Staff Car Driver), 2010, except as respects things done or omitted to be done before such supersession, the President hereby make the following rules regulating the method of recruitment to the posts of Staff Car Driver in the Ministry of Women and Child Development, namely:-

1. **Short title and commencement.**- (1) These rules may be called the Ministry of Women and Child Development (Staff Car Driver) Recruitment Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Application.**-These rules shall apply to the posts mentioned in column 1 of the Schedule annexed to these rules.



3. **Number of posts, classification and pay level.-** The number of said posts, their classification, pay level attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed hereto.
4. **Method of recruitment, age limit, qualification, etc.-** The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (11) of the said Schedule.
5. **Disqualification.-** No person,-
- (i) who has entered into or contracted a marriage with a person having a spouse living; or
- (ii) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said posts:
- Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.
6. **Power to relax.-** Where the Central Government is of the opinion that it is necessary and expedient so to do, it may, by order and for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.
7. **Saving.-** Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided to the Scheduled Castes, the Scheduled Tribes, the other Backward Classes Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

#### SCHEDULE

##### STAFF CAR DRIVER (ORDINARY GRADE)

Name of Post	No. of Post	Classification	Level in the Pay Matrix.	Whether selection post or non-selection post.	Age limit for direct recruits.
(1)	(2)	(3)	(4)	(5)	(6)
Staff Car Driver (ordinary grade)	2* (2022) *Subject to variation dependent on work load	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Pay Level 2 (Rs.19900-63200)	Not Applicable	18 and 25 years* (Relaxable for Government servants upto 40 years in accordance with the instructions or orders issued by the Central Government.)  <b>Note:</b> The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in all States/Union Territories (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Union Territory of Ladakh, Lahaul&Spiti district and Pangi Sub-Division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep).

					<p>*if the direct recruitment is to be made by 'direct open competitive Examination', the age-limit would be 18-27 years.</p> <p>In case of recruitment through the employment exchange, the crucial date for determining the age limit shall be the last date upto which the Employment Exchange is asked to forward names.</p>
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Educational and other qualification required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of Probation , if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption, and percentage of the vacancies to be filled by various methods.
(7)	(8)	(9)	(10)
<p><b>Essential:</b></p> <p>i. Possession of a valid driving license for motor cars;</p> <p>ii. Knowledge of motor mechanism (the candidate should be able to remove minor defects in the vehicle);</p> <p>iii. Experiencing of driving a motor car for at least three years; and</p> <p>iv. Pass in 10<sup>th</sup> standard.</p> <p><b>Desirable:</b></p> <p>3 years' service as Home Guard/Civil Volunteers.</p> <p><b>Note 1:</b> The qualification regarding experience is relaxable at the discretion of the competent authority.</p> <p><b>Note 2:</b> The qualification regarding experience is/are relaxable at the discretion of the competent authority in case of candidates belonging to the Scheduled Castes or Scheduled Tribes if at any stage of selection, the competent authority is of the opinion that the sufficient number of candidates with requisite experience are not likely to be available to fill up the vacancy reserved for them.</p>	Not applicable.	Two years for direct recruits or re-employed	<p>Deputation/Absorption failing which by direct recruitment.</p> <p>For Armed Forces Personnel: Deputation/re-employment.</p>

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of Probation , if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption, and percentage of the vacancies to be filled by various methods.
(8)	(9)	(10)
Not applicable.	Two years for direct recruits or re-employed	Deputation/Absorption failing which by direct recruitment. For Armed Forces Personnel: Deputation/re-employment.

In case of recruitment / deputation/ absorption, grades from which promotion/ deputation/absorption to be made.	If a departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(11)	(12)	(13)
<p><b>Deputation/Absorption:</b> From amongst the regular Dispatch Rider (Group C) and Group C employees in Pay level 1 in the Ministry of Women &amp; Child Development who possess valid Driving License for Motor cars failing which from officials holding the post of Dispatch Rider on regular basis or regular Group C employees in Pay Level 1 in other Ministries of the Central Government who fulfill the necessary qualifications as mentioned in column 7.</p> <p><b>Deputation/ re-employment for Armed Forces Personnel:</b> The Armed Forces Personnel due to retire or who are to be transferred to reserve within a period of one year and having the requisite experience and qualifications prescribed shall also be considered. Such persons would be given deputation terms upto the date on which they are due for release from the Armed Forces; thereafter they may be continued on re-employment.</p> <p><b>Note:</b> The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/ Department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by deputation/ absorption shall be 'Not exceeding 56 years' as on the closing date of receipt of applications.</p>	<p>1. Director/Deputy Secretary (Admn.) - Chairperson</p> <p>2. Under Secretary from another Ministry - Member</p> <p>3. Under Secretary(Admn.) -Member</p>	Not applicable

## STAFF CAR DRIVER GRADE – II

Name of Post	Number of post	Classification	Pay Level	Whether selection post or non-selection post	Age limit for direct recruits
(1)	(2)	(3)	(4)	(5)	(6)
Staff Car Driver Grade II	1 *(2022) *subject to variation dependent on workload	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Pay Level 4 (Rs.25500-81100)	Non-Selection	Not applicable

Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/ absorption and percentage of the vacancies to be filled by various methods.
(7)	(8)	(9)	(10)
Not applicable	Not Applicable	Not applicable	Promotion

In case of recruitment / deputation / absorption, grades from which promotion / deputation / absorption to be made	If a departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(11)	(12)	(13)
<b>Promotion:</b> Staff Car Driver (Ordinary Grade) in Pay Level 2 with 9 years of regular service in the grade subject to passing of a practical trade test, specified by the Government based on the following: i. Must be able to read English numerals and figures; ii. Must have good knowledge of Traffic Regulations; iii. Must be able to locate faults and carry out minor running repairs; and iv. Must be able to change wheels and correctly inflate tyres	Group 'C' Departmental Promotional Committee for considering promotion: <ul style="list-style-type: none"> <li>Director/Deputy Secretary (Admn.) - Chairperson</li> <li>Under Secretary - Member</li> <li>Under Secretary(Admn.) - Member</li> </ul>	Not applicable.

#### RECRUITMENT RULES FOR THE POST OF STAFF CAR DRIVER GRADE – I

Name of Post	Number of post	Classification	Pay Band and Grade Pay/Pay Scale	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Staff Car Driver Grade I	1 *(2022) *subject to variation dependent on workload	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Pay Level 5 (Rs.29200-92300)	Non-Selection	Not applicable	Not applicable	Not Applicable

Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ absorption and percentage of the vacancies to be filled by various methods.
(7)	(8)	(9)	(10)
Not applicable	Not Applicable	Not applicable	Promotion

In case of recruitment / deputation / absorption, grades from which promotion / deputation / absorption to be made	If a departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(11)	(12)	(13)
<b>Promotion</b> Staff Car Driver Grade - II in Pay Level 4 with 6 years of regular service in the grade or with a combined service of 15 years in Staff Car Driver Grade —II and Staff Car Driver(Ordinary Grade) subject to passing of a practical trade test, specified by the Government based on the following: i. Must be able to read English numerals and figures; ii. Must have good knowledge of Traffic Regulations; iii. Must be able to locate faults and carry out minor running repairs; and iv. Must be able to change wheels and correctly inflate tyres	Group 'C' Departmental Promotional Committee for considering promotion: 1. Director/Deputy Secretary (Admn.) - Chairperson 2. Under Secretary - Member 3. Under Secretary(Admn.) - Member	Not applicable.

[F. No. ADMN-46/76/2015-ADMIN.]

PALLAVI AGARWAL, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-19**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 03 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02.03.2023.

ದಿನಾಂಕ: 17.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Major Ports Adjudicatory Board Rules, 2023ರ  
Notification-GSR 30(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF PORTS, SHIPPING AND WATERWAYS**

**NOTIFICATION**

New Delhi the 17th January, 2023

**G.S.R. 30(E).**—In exercise of the powers conferred by sub-section (3) and (5) of section 56 and sub-section (2) of section 58 read with clauses (g), (k), (l), (m), (n), (o), (p) and (q) of sub-section (2) of section 71 of the Major Port Authorities Act, 2021 (1 of 2021), the Central Government hereby makes the following rules, namely:-

**PART A**

**PRELIMINARY**

**1. Short title and commencement.**— (1) These rules may be called the Major Ports Adjudicatory Board Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Major Port Authorities Act, 2021 (1 of 2021);
- (b) “Adjudicating Officer” means an adjudicating officer appointed by the Central Government under sub-rule (1) of rule;
- (c) “legal practitioner” shall have the same meaning as assigned to it in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961);
- (d) “member” means the member of the Adjudicatory Board appointed by the Central Government under section 55 of the Act;
- (e) “officers and employees of the Adjudicatory Board” means the officers and employees of the Adjudicatory Board and includes every employee serving under the Tariff Authority for Major Ports

and who becomes employee of the Adjudicatory Board under clause (e) of sub-section (1) of section 54 of the Act and also those employees taken on direct recruitment basis or on deputation basis by the Adjudicatory Board from the Central Government or the State Government or the public sector undertakings or the Major Port Authorities and the contractual employees shall not be treated as officers and employees of the Adjudicatory Board;

- (f) “private operator” means a person or body corporate who or which operates one or more port assets under a lease or license or agreement or contract in the major port or who has been authorised by the major port to provide services within the port limits or the land appurtenant thereto;
- (g) “port user” means a person who, either directly or through agents, avails of the services or facilities offered by any Major Port Authority and includes representative bodies of such port users;
- (h) “reference” means a reference made by the Central Government or the Board of the Major Port Authority to the Adjudicatory Board under clause (e) of sub-section (1) of section 58 of the Act;
- (i) “Registrar” means the Registrar of the Adjudicatory Board appointed under sub-rule (1) of rule 29 and includes an officer of the Adjudicatory Board who is authorised by the Presiding Officer to function as Registrar; and
- (j) “Secretary” means the Secretary of the Adjudicatory Board appointed under sub-rule (1) of rule 29 and includes an officer of the Adjudicatory Board who is authorised by the Presiding Officer to function as Secretary.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

## PART B

### PROCEDURE FOR APPOINTMENT AND REMOVAL OF PRESIDING OFFICER AND MEMBERS OF ADJUDICATORY BOARD

**3. Method of appointment of Presiding Officer and members of the Adjudicatory Board.**— (1) The Presiding Officer and members of the Adjudicatory Board shall be appointed by the Central Government on the recommendation of a Selection Committee consisting of -

- |   |               |
|---|---------------|
| (a) Chief Justice of India or his nominee                                   | - Chairperson |
| (b) Secretary-in-charge of the Ministry of<br>Ports, Shipping and Waterways | - Member      |
| (c) Secretary-in-charge of the Department<br>of Personnel and Training      | - Member      |

(2) The Selection Committee shall determine its own procedure for shortlisting and recommending the names of persons for appointment of Presiding officer and members of the Adjudicatory Board under section 55 of the Act.

(3) The Selection Committee shall satisfy itself that the persons recommended for the appointment as Presiding Officer or a member of the Adjudicatory Board meets the qualifications prescribed in the Act and does not have any conflicting or financial or other interest which is likely to affect prejudicially his or her functions as the Presiding Officer or a member of the Adjudicatory Board, as the case may be.

(4) The Central Government shall after taking into consideration the recommendations of the Selection Committee select the persons from the list of persons recommended by the Selection Committee for appointment as the Presiding Officer and members of the Adjudicatory Board:

Provided that the Central Government shall be entitled to return the names recommended by the Selection Committee along with reasons for reconsideration and submission of fresh list of names by the Selection Committee.

(5) No appointment of the Presiding Officer and members of the Adjudicatory Board shall be invalid merely by reason of any vacancy or any defect in the constitution of the Selection Committee.

**4. Resignation.**— (1) The Presiding Officer or any member of the Adjudicatory Board may, by notice in writing under his hand addressed to the Secretary of the Ministry of Ports, Shipping and Waterways, resign from his office:

Provided that the Presiding Officer or the member shall continue to hold office until the expiry of three months from the date of submission of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.



**5. Removal members of Adjudicatory Board.**— Whenever the Central Government has, either on its own findings or upon receipt of any complaint or reference from the Adjudicatory Board or any court, statutory or local authority, reason to believe that there are grounds for making an inquiry into the truth of any imputation of misbehavior or incapacity against any member of the Adjudicatory Board, it may cause the substance of the imputations to be drawn into distinct articles or charge, and may order a formal inquiry to be made into the truth thereof.

Provided that a member of the Adjudicatory Board shall not be removed on any of the grounds specified in section 57 of the Act without giving him a reasonable opportunity of being heard.

**6. Procedure for initiation of inquiry.**— (1) An inquiry under sub-section (5) of section 57 may be assigned by the Central Government to any of its officer not below the rank of Secretary to the Government of India or an equivalent officer of a State Government, who shall be appointed as ‘Adjudicating Officer’ for the said purpose.

(2) In holding an inquiry into the truth of any imputation of misbehavior or incapacity against any member of the Adjudicatory Board, the Adjudicating Officer shall in the first instance, issue a notice to such member requiring him to show cause in writing within thirty days as to why an inquiry should not be held against him.

(3) Every notice issued to the member under sub-rule (2) shall indicate the nature of imputation or charge made against him and shall be served on him:—

- (a) by delivering or tendering it to him; or
- (b) by sending it to him by electronic mail or by courier or registered post to his last known place of residence or the place where he carried on, or last carried on, business or personally works, or last worked, for gain;
- (c) where it cannot be served under clause (a) or (b), by affixing it on the outer door or some other conspicuous part of the premises in which he resides or is known to have last resided or carried on business or personally works or last worked for gain and the written report thereof shall be witnessed by two persons;
- (d) if it cannot be affixed on the outer door as specified in clause (c), by publishing the notice in at least two newspapers, one in an English daily newspaper having wide circulation, and another in a newspaper having nation wide circulation published in the language of the region where he was last known to have resided or carried on business or personally worked for gain.

(4) After considering the cause, if any, shown by the member to whom show cause notice is issued under sub-rule (2), if the Adjudicating Officer is of the opinion that an inquiry should be held, he shall issue a notice fixing a date for the appearance of such member.

(5) On the date fixed, the member shall appear in person before the Adjudicating Officer and the Adjudicating Officer shall explain to the member about the nature of imputation or charge made against him and the potential grounds of his removal from his office.

(6) The Adjudicating Officer shall then give an opportunity to the member to produce documents or evidence as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date.

(7) If the member against whom the inquiry is held under these rules fails, neglects or refuses to appear before the Adjudicating Officer as required under sub-rule (5), the Adjudicating Officer may proceed with the inquiry in his absence after recording the reasons for doing so.

(8) While holding the inquiry, the Adjudicating Officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case, to give evidence or to produce any document which, in the opinion of the Adjudicating Officer may be useful for or relevant to the subject matter of the inquiry.

**7. Report of Adjudicating Officer.**— (1) The Adjudicating Officer shall complete the inquiry and submit his report to the Central Government within one hundred and eighty days from the date of his appointment under these rules:

Provided that where any such inquiry or report could not be completed within the said period of one hundred and eighty days, the Adjudicating Officer shall record the reasons in writing for not completing the inquiry or report within that said period.

(2) Where after taking into consideration the charges and evidence produced before him, the Adjudicating Officer is satisfied that the member of the Adjudicatory Board against whom the inquiry is held under these rules, ought or ought not to be removed from his office, the Adjudicating Officer shall give his recommendations to that effect in his inquiry report.

(3) The inquiry report submitted by the Adjudicating Officer shall specify the reasons for recommending removal or non-removal of the member against whom the inquiry is held under these rules.

**8. Assessment of inquiry report by Central Government.**— (1) Upon receipt of the inquiry report from the Adjudicating Officer, the Central Government shall assess the recommendations made in the inquiry report and the Central Government shall provide a copy of the inquiry report submitted by the Adjudicating Officer to the member against whom the inquiry has been made and seek his written submission within a period of fifteen days and the Central Government shall after considering the written submission of the member on the inquiry report of the Adjudicating Officer and accordingly pass an order with reasons for removal or non-removal of the member against whom the inquiry is held under these rules:

Provided that the recommendations made by the Adjudicating Officer in the inquiry report shall not be binding on the Central Government and if it is not satisfied with the inquiry report, revert the matter for further inquiry to the Adjudicating Officer or order another inquiry into imputation of charges made against such member under the Act and these rules.

(2) A copy of the order passed by the Central Government under sub-rule (1) shall be given to the Adjudicatory Board and the member against whom the inquiry is held under these rules.

**9. Procedure for appointment of Presiding Officer and members in case of vacancy.**— (1) In the case of vacancy in the Adjudicatory Board caused by the expiration of the term of office of such Presiding Officer or member, the Adjudicatory Board shall inform the Central Government about such vacancy three months prior to the date of expiration of the term and the appointment shall be made by the Central Government within three months from the date of receipt of such information.

(2) In the case of vacancy in Adjudicatory Board caused by reason of death, resignation or disqualification, the Adjudicatory Board shall inform the Central Government about such vacancy within seven days and the appointment shall be made by the Central Government within three months from the date on which such vacancy occurs.

### PART C

#### POWERS AND FUNCTIONS OF PRESIDING OFFICER AND MEMBERS OF ADJUDICATORY BOARD

**10. Financial and Administrative Powers of Presiding Officer.**— The Presiding Officer shall have the same powers as are conferred on a Head of the Department of the Central Government in respect of the Delegation of Financial Power Rules, 1978, the General Financial Rules, 1963, the Fundamental and Supplementary Rules, the Central Civil Services (Leave) Rules, 1972, the Central Civil Services (Joining Time) Rules, 1979, the Central Civil Services (Conduct) Rules, 1964, the Central Civil Service (Classification, Control and Appeal) Rules, 1965, and the General Provident Fund (Central Services) Rules, 1960:

Provided that the Presiding Officer may delegate such of his financial and administrative powers, as he may think fit, to any member or officer of the Adjudicatory Board subject to the conditions that such member or officer, while exercising such delegated power, continues to act under the direction, control and supervision of the Presiding Officer.

Provided further that in respect of matters not within the competence of the Presiding Officer, concurrence of the Ministry of Finance or any other concerned authority shall be obtained by the Presiding Officer through the Central Government.

**11. Functions of members of Adjudicatory Board.**— A member of the Adjudicatory Board shall perform all functions specified or as stipulated by the Presiding Officer including attending hearing of cases allocated, hearing applications that come up for adjudication before such member and perform the allocated administrative functions.

### PART D

#### SALARY, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF PRESIDING OFFICER AND MEMBERS

**12. Salary, allowances and other benefits payable to Presiding Officer and members.**— (1) When a retired Judge of the Supreme Court of India is appointed as Presiding Officer of the Adjudicatory Board, he shall be entitled to salary, allowances and other perquisites payable to the sitting Judge of the Supreme Court as provided in the Supreme Court Judges (Salaries and Conditions of Services) Act, 1958 and the rules made thereunder.

(2) When a retired Chief Justice of a High Court is appointed as Presiding Officer of the Adjudicatory Board, he shall be entitled to salary, allowances and other perquisites payable to the sitting Chief Justice of a High

Court as provided in the High Court Judges (Salaries and Conditions of Services) Act 1954, and the rules made thereunder.

(3) If the Presiding Officer of the Adjudicatory Board, is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits in respect of any previous service under the Central Government or State Government, the pay of such Presiding Officer shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or availed of or to be drawn or availed except pension equivalent of retirement gratuity.

(4) When a retired Secretary of the Government of India or equivalent or a retired Chief Secretary of the State Government or equivalent is appointed as the member of the Adjudicatory Board, he shall be entitled to salary, allowances and other perquisites admissible to a serving Secretary to the Government of India:

Provided that if any such person is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such person shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or to be drawn by him except pension equivalent of retirement gratuity.

**13. Leave and encashment of leave.**—(1) The Presiding Officer and members of the Adjudicatory Board shall be entitled to a leave as follows.—

- (a) earned leave at the rate of thirty days for every completed calendar year of service:

Provided that the leave account shall be credited with earned leave in advance in two installments of fifteen days each on the first day of January and July of every calendar year;

Provided further that the earned leave at the credit, at the close of previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus credited for half year do not exceed three hundred days.

- (b) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service to be credited in advance in two installments of ten days each on the first day of January and the first day of July of every calendar year and leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;
- (c) leave on half pay may be commuted to full pay leave at the discretion of the Presiding Officer or a member, if it is taken on medical grounds and is supported by a medical certificate by a competent medical authority;
- (d) casual leave at the rate of eight days and restricted holidays at the rate of two days in a calendar year;
- (e) extra-ordinary leave without pay and allowances up to a maximum period of one hundred and eighty days in one term of office.

(2) On the expiry of his term of office in the Adjudicatory Board, the Presiding Officer and members shall be entitled to receive cash equivalent of leave salary in respect of earned leave standing to his credit subject to the condition that the maximum of leave encashed under this sub-rule shall not exceed one hundred and fifty days.

**14. Leave sanctioning authority.**—The Presiding Officer shall be the authority competent to sanction leave to a member of the Adjudicatory Board and the Central Government shall be the authority competent to sanction leave to the Presiding Officer.

**15. Travelling allowance.**—The Presiding Officer and Members, while on tour or on transfer including the journey undertaken to join the Adjudicatory Board or on the expiry of his term with the Adjudicatory Board proceeds to his home town shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scale and at the same rate as are admissible to the officers of the Central Government in the equivalent grade or scale.

**16. Leave travel concession.**— The Presiding Officer and members of the Adjudicatory Board shall be entitled to leave travel concession at the same rates and at the same scales as are applicable to the officers of the Central Government of equivalent category as per the orders issued by the Central Government.

**17. Other conditions of service.**—(1) When a retired Judge of the Supreme Court is appointed as the Presiding Officer, the conditions of service relating to provision of rent free accommodation, conveyance facilities, medical facilities and such other conditions of services, for the time being applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 (51 of 1958) and the rules made thereunder shall so far as may apply to the Presiding Officer.

(2) When a retired Chief Justice of a High Court is appointed as the Presiding Officer, the conditions of service relating to provision of rent free accommodation, conveyance facilities, medical facilities and such other conditions of services, for the time being applicable to a Chief Justice of a High Court under Chapter IV of the High Court Judges (Salaries and Conditions of Services), Act 1954 (28 of 1954) and the rules made thereunder shall so far as may apply to the Presiding Officer.

(3) The conditions of service relating to provision of rent free accommodation, conveyance facilities, medical facilities and such other conditions of services, for the time being applicable to a serving Secretary to the Government of India shall so far as may apply to the members of the Adjudicatory Board.

(4) The Presiding Officer and members of the Adjudicatory Board shall, however, have an option to choose from the medical facilities that they are entitled for under sub rule (1), (2) or (3), as the case may be, or the medical facilities as provided in the Central Service (Medical Attendance) Rules, 1944.

**18. Oath of office and Secrecy.**— Every person appointed as the Presiding Officer or a member of the Adjudicatory Board shall, before entering upon his office, make and subscribe an oath of office and secrecy, in Form I appended to these rules.

**19. Declaration of financial or other interest.**— Every person, on his appointment as the Presiding Officer or member of the Adjudicatory Board, shall give a declaration in Form II appended to these rules, to the satisfaction of the Central Government, that he is not disqualified or ineligible to hold the office of the Presiding Officer or member, as the case may be, nor does he have any such financial or other interest including conflict of interest as is likely to affect prejudicially his functions as the Presiding Officer or member, as the case may be.

## PART E

### SALARY, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF OFFICERS AND EMPLOYEES

**20. Initial employees of Adjudicatory Board.**— (1) The officers and employees serving under the Tariff Authority for Major Ports on regular or on deputation basis immediately before the constitution of the Adjudicatory Board shall, on and from the date of constitution of the Adjudicatory Board, be deemed to have been duly appointed as the officers and employees of the Adjudicatory Board under these rules for the corresponding post and service rendered by them in the Tariff Authority for Major Ports immediately prior to the cessation of the Tariff Authority for Major Ports and they shall hold their office or service in the Adjudicatory Board by the same tenure, salary and allowances without any change or derogation of the terms and conditions of service previously held with the Tariff Authority for Major Ports.

(2) All the officers and employees serving under the Tariff Authority for Major Ports shall, be deemed to have been duly appointed as the officers and employees of the Adjudicatory Board in the capacity and posts as specified in the Schedule to these rules.

**21. Change in designation and scope of service of officers and employees of Adjudicatory Board.**— Subject to the provisions of rule 22, the Adjudicatory Board may, for the purpose of exercising and discharging its powers, functions and duties under the Act or any rules made thereunder, by general or special order in writing, change or revise the designation and scope of service of officers and employees of the Adjudicatory Board in accordance with the organisational structure approved and adopted for the Adjudicatory Board as per the provisions of rule 22.

**22. Organisational structure of Adjudicatory Board.**— (1) The Adjudicatory Board may, with the prior approval of the Central Government, for the purpose of efficient discharge of its functions under the Act formulate an organisational structure.

(2) In order to formulate an organisational structure, the Adjudicatory Board shall constitute a Committee as it may deemed fit.

(3) The Committee constituted under sub-rule (2) shall immediately upon the date of its constitution and in consultation with the Adjudicatory Board, decide the number of posts of the officers and employees of the Adjudicatory Board, their classification, pay band and pay in pay matrix:

Provided that the pay band and pay in pay matrix including the gross pay of the officers and employees of the Adjudicatory Board shall not be in derogation to the pay and gross emoluments and allowances drawn by the officers and employees in the erstwhile Tariff Authority of Major Ports, but the same shall be consistent with such rules and orders applicable to officers and employees of the corresponding scale of pay of the Central Government.

(4) The Adjudicatory Board shall decide the maximum number of employees in each grade and in each position for the efficient discharge of its functions under the Act and the Adjudicatory Board may accordingly

vary, alter, modify, change, increase and decrease the number, nature and categories of its officers and employees, subject to the proviso to sub-rule (3), with the prior approval of the Central Government.

**23. Deputation and deputation allowance.**— (1) The officers and employees serving under the Tariff Authority for Major Ports on deputation basis immediately before the constitution of the Adjudicatory Board shall, on and from the date of constitution of the Adjudicatory Board, have their respective deputation to be deemed to be with the Adjudicatory Board and they shall hold their office or service in the Adjudicatory Board by the same tenure as was under deputation, without any change or derogation of the terms and conditions of service, previously held with the Tariff Authority for Major Ports.

(2) The officers and employees of the Adjudicatory Board selected or appointed on deputation immediately after the constitution of the Adjudicatory Board, shall have the option to either opt for the pay scale and other service benefits of the Adjudicatory Board or to retain the pay scales of their parent Ministry, department or organisation and get deputation allowance as per the existing rules and orders issued by the Central Government on the subject.

(3) In matters relating to Provident Fund Scheme, Group Insurance or any other Insurance Scheme, age of superannuation, pension and retirement benefits, the officers and employees of the Adjudicatory Board appointed on deputation shall continue to be governed by the relevant rules as applicable to them in their parent Ministry or department or organisation.

(4) The Adjudicatory Board shall recover contributions toward such schemes from their salary and remit the amount immediately to the lending Ministry or department or organisation.

**24. Salary and other terms and conditions of service.**— (1) Subject to the provisions of rules 22 and 23, the salary of the officers and employees of the Adjudicatory Board shall be such as may be decided by the Central Government on the basis of recommendations of the Committee constituted by the Adjudicatory Board under sub-rule (2) of rule 24.

(2) Other terms and conditions of service of the officers and employees of the Adjudicatory Board, for which no specific provision or insufficient provision has been provided in these rules, shall be regulated in accordance with such rules and orders, as are, from time to time, applicable to officers and employees of the corresponding scale of pay of the Central Government.

**25. Medical Facilities.**— (1) The officers and employees of the Adjudicatory Board appointed on regular basis shall be entitled to such medical facilities as prevailing in the Tariff Authority for Major Ports immediately before the constitution of the Adjudicatory Board till such time necessary criteria is fixed by the Adjudicatory Board in consultation with the Central Government for medical facilities to the officers and employees of the Adjudicatory Board.

(2) The Adjudicatory Board shall be entitled to fix or amend necessary criteria in consultation with the Central Government for provision of medical facilities to the officers and employees of the Adjudicatory Board:

Provided that the fixation or amendment of such criteria shall not be inconsistent with the criteria for medical facilities as applicable from time to time to officers and employees of the corresponding scale of pay of the Central Government.

(3) The officers and employees of the Adjudicatory Board appointed on deputation shall have the option to avail medical facilities as per their entitlement in the parent organisation or as prevailing in the Adjudicatory Board from time to time.

**26. Accommodation.**— (1) The officers and employees of the Adjudicatory Board appointed on regular basis or on deputation basis shall have the option to avail general pool residential accommodation or accommodation in the quarters of the Mumbai Port Authority subject to availability.

(2) The officers and employees of the Adjudicatory Board appointed on regular or deputation basis, who have been allotted accommodation in the quarters of Mumbai Port Authority immediately prior to cessation of the Tariff Authority for Major Ports shall be eligible to retain the facility of the accommodation without any derogation of the terms and conditions prevailing when previously held with the Tariff Authority for Major Ports.

(3) In case of the general pool residential accommodation or accommodation in the quarters of the Mumbai Port Authority has not been allotted to or availed by any officer or employee of the Adjudicatory Board, such officer or employee shall be eligible for the house rent allowance attached to his scale of pay.

(4) The officers and employees of the Adjudicatory Board shall be eligible for house rent allowance in accordance with the rate prescribed by the Central Government as applicable to officers and employees of the corresponding scales of pay of the Central Government:

Provided that they shall not be eligible for house rent allowance in case they are granted general pool residential accommodation or accommodation in the quarters of the Mumbai Port Authority.

**27. Official visits abroad.**— (1) Official visits abroad by the officers and employees of the Adjudicatory Board shall be undertaken with the prior approval of the Presiding Officer of the Adjudicatory Board or any other member or officer of the Adjudicatory Board authorised by the Presiding Officer in that behalf.

(2) Instructions issued by the Ministry of External Affairs and the Ministry of Finance regarding official visits abroad shall be applicable in all cases.

## PART F

### POWERS AND FUNCTIONS OF ADJUDICATORY BOARD AND ITS OFFICIALS

**28. Powers and functions of Adjudicatory Board.**— (1) The Adjudicatory Board shall exercise the powers and perform the functions as provided in section 58 of the Act and shall receive, review and adjudicate upon the following categories, namely:—

- (a) Category A – Cases in respect of matters stipulated under clause (a) of sub-section (1) of section 58 of the Act;
- (b) Category B – Any dispute, difference or claim related to the rights and obligations of Major Ports and Public Private Partnership concessionaires or captive users for dedicated berth within the framework of their concession agreements under clause (b) of sub-section (1) of section 58 of the Act;
- (c) Category C – Stressed Public Private Partnership projects referred by the Central Government or the Board of the Major Port Authority to the Adjudicatory Board under clause (c) of sub-section (1) of section 58 of the Act;
- (d) Category D – Complaints received from port users under clause (d) of sub-section (1) of section 58 of the Act;
- (e) Category E – References under clause (e) of sub-section (1) of section 58 of the Act;
- (f) Category F – Applications made under section 32 of the Act.

(2) The Adjudicatory Board shall not entertain any case or application including public interest litigations from unrelated parties on any matter specified in sub-rule (1).

(3) In performance of functions under sub-rule (1), the Adjudicatory Board shall be entitled to fix the criteria for—

- (a) acceptance and hearing of cases relating to matters and functions of the erstwhile Tariff Authority for Major Ports under clause (a) of sub-section (1) of section 58 of the Act;
- (b) acceptance and hearing of applications in respect of any matter stipulated under section 32 and clauses (b), (c) and (d) of sub-section (1) section 58 of the Act; and
- (c) acceptance of and dealing with the references made by the Central Government or the Board of the Major Port Authority under clause (e) of sub-section (1) of section 58 of the Act.

(4) The Adjudicatory Board shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and the provisions of the Act and the rules made thereunder.

(5) The Adjudicatory Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), for the purposes of discharging its functions under these rules, in respect of the following matters, namely:—

- (a) the discovery and production of books of account and other documents and receiving evidence on affidavits, at such place and at such time as may be specified by the Adjudicatory Board;
- (b) summoning and enforcing the attendance of any person and examining him on oath;
- (c) issuing commissions for the examination of witnesses or documents;
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or a copy of such record or document from any office;
- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it *ex parte*;
- (g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
- (h) pass an interim order (including granting an injunction or stay) after providing the parties concerned

an opportunity to be heard, on any application made under the Act and these rules; and

- (i) such other matters as may be specified by the Central Government.

**29. Appointment of Registrar, Secretary, officers and other employees of Adjudicatory Board.**—(1) The Adjudicatory Board may, with the previous approval of the Central Government, appoint a Registrar, Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under the Act and these rules.

(2) The Registrar, Secretary, officers and other employees of the Adjudicatory Board shall discharge their functions under the general superintendence of the Presiding Officer.

**30. Functions of Registrar.**—(1) Subject to the general superintendence and control of the Presiding Officer, the Registrar shall:—

- (a) perform administrative functions in respect of applications made under section 32 and any matter pertaining to clauses (b), (c) and (d) of sub-section (1) section 58 of the Act i.e., categories B, C, D and F referred to in sub-rule (1) of rule 30;
- (b) receive and undertake scrutiny of all applications and other documents filed with the Adjudicatory Board under Categories B, C, D and F referred to in sub-rule (1) of rule 30;
- (c) register the applications after scrutiny as per the criteria fixed by the Adjudicatory Board in this behalf;
- (d) decide all questions arising out of the scrutiny of the applications before they are admitted for adjudication by the Adjudicatory Board;
- (e) receive applications for amendment of the application;
- (f) subject to the directions of the Presiding Officer, to fix date of hearing of the applications or other proceedings and issue notices thereof;
- (g) direct any formal amendment of records;
- (h) order grant of copies of documents to parties to proceedings;
- (i) grant leave to inspect the records of the Adjudicatory Board;
- (j) dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for filing such applications and to grant time, not exceeding thirty days, for filing a reply or rejoinder, if any, and to place the matter before the Adjudicatory Board for appropriate orders after the expiry of the aforesaid period;
- (k) take necessary steps for requisition of records from the custody of any court, office, department or other authority; and
- (l) exercise such other functions as are assigned to him under these rules or by the Presiding Officer by a separate order in writing.

(2) In the absence of Registrar, any other officer to whom the powers and functions of the Registrar are delegated by the Presiding Officer may exercise the powers and functions of the Registrar.

**31. Functions of the Secretary.**—(1) Subject to the general superintendence and control of the Presiding Officer, the Secretary shall:—

- (a) perform administrative functions in respect of cases and references under clauses (a) and (e) of sub-section (1) of section 58 of the Act i.e., Categories A and E referred to in sub-rule (1) of rule 30;
- (b) receive and undertake preliminary scrutiny of all cases, references and related documents under Categories A and E referred to in sub-rule (1) of rule 30;
- (c) after preliminary scrutiny or examination of cases and references received place them before the Adjudicatory Board for decision as to whether the matter is to be administratively decided or adjudicated as the case may be and if the case of reference is to be adjudicated, register it as a case and follow the process as per the criteria fixed by the Adjudicatory Board in this behalf from time to time;
- (d) receive applications for amendment in the case or reference;
- (e) subject to the directions of the Presiding Officer or the concerned member hearing any case or reference, to fix the date of hearing of such case or reference and issue notice thereof;
- (f) be in charge of the long term projects and initiatives of the Adjudicatory Board;
- (g) supervise the divisions and sections of the human resources within the Adjudicatory Board;

- (h) prepare, monitor and manage budgetary allocations and financial management of the Adjudicatory Board;
- (i) provide all necessary support in the day-to-day operations of the Adjudicatory Board;
- (j) manage and supervise the facilities and administrative services of the Adjudicatory Board;
- (k) coordinate with authorised representatives and other professionals in the smooth functioning of the Adjudicatory Board;
- (l) oversee information and communication technology and other technological facilities in the Adjudicatory Board;
- (m) manage and facilitate communication and services of the Adjudicatory Board;
- (n) manage, monitor and administer the public affairs and public safety provisions within the premises of the Adjudicatory Board; and
- (o) exercise such other functions as are assigned to him under these rules or by the Presiding Officer by a separate order in writing.

(2) In the absence of Secretary, any other officer to whom the powers and functions of the Secretary are delegated by the Presiding Officer may exercise the powers and functions of the Secretary.

### PART G

#### PROCEDURE FOR FILING APPLICATION BEFORE THE ADJUDICATORY BOARD AND OTHER RELATED MATTERS

**32. Procedure for filing application before the Registrar.**—(1) Every application with respect to matters specified in Category B, C, D and F under clauses (b), (c), (d) and (f) of sub-rule (1) of rule 30 shall be filed by the applicant in such form and manner and in accordance with such criteria as may be fixed by the Adjudicatory Board in this behalf from time to time.

(2) The application under sub-rule (1) may be filed in person or through an authorised representative or a duly authorised legal practitioner to the Registrar or to an officer authorised in this behalf by the Registrar or sent by post addressed to the Registrar or such authorised officer.

(3) Any application sent by post under sub-rule (2) shall be deemed to have been filed on the day on which it is received in the office of the Registrar.

**33. Endorsement and scrutiny of applications by Registrar.**—(1) The Registrar shall immediately on receipt of application under clauses (b), (c), (d) or (f) of sub-rule (1) of rule 30, affix the date stamp of the Adjudicatory Board thereon and return the acknowledgement to the party filing the same and assign a diary number which shall be entered below the date stamp and thereafter cause it to be sent for scrutiny.

(2) If, on scrutiny, the application is found to be defective, such application shall, after notice to the party, be returned for compliance and if there is a failure to comply within fifteen days from the date of return, the same shall be placed before the Registrar who may pass appropriate orders.

(3) The Registrar may for sufficient cause return the application for rectification or amendment to the party filing the same, and for this purpose may allow the party such reasonable time as he may consider necessary or extend the time for compliance for such period not exceeding one month.

(4) Where the party concerned fails to take any steps for the removal of the defect within the time fixed for the same, the Registrar may, for reasons to be recorded in writing, decline to register the application or other document.

**34. Procedure for filing cases before Secretary.**—(1) Every case with respect to matters specified in Category A under clauses (a) of sub-rule (1) of rule 30 shall be filed by the applicant in such form and manner and in accordance with such criteria as may be fixed by the Adjudicatory Board in this behalf.

(2) The case under sub-rule (1) may be filed in person or through an authorised representative or a duly authorised legal practitioner to the Secretary or to an officer authorised in this behalf by the Secretary or sent by post addressed to the Secretary or such authorised officer.

(3) Any case sent by post under sub-rule (2) shall be deemed to have been filed on the day on which it is received in the office of the Secretary.

**35. Endorsement and scrutiny of cases by Secretary.**—(1) The Secretary shall immediately on receipt of any case affix the date stamp of the Adjudicatory Board thereon and return the acknowledgement to the party filing the same and assign a diary number which shall be entered below the date stamp and thereafter cause it to be sent for scrutiny.



(2) If, on scrutiny, the case is found to be defective, such case shall, after notice to the party, be returned for compliance and if there is a failure to comply within fifteen days from the date of return, the same shall be placed before the Secretary who may pass appropriate orders.

(3) The Secretary may for sufficient cause return the case for rectification or amendment to the party filing the same, and for this purpose may allow the party concerned such reasonable time as he may consider necessary or extend the time for compliance for such period not exceeding one month.

(4) Where the party concerned fails to take any step for the removal of the defect within the time fixed for the same, the Secretary may, for reasons to be recorded in writing, decline to register the case or other document.

**36. Filing of case, applications, etc.—** (1) Every case, application, review or any document related thereto shall be filed to the Adjudicatory Board in English and the same shall be fairly and legibly type written, lithographed or printed.

(2) Every case, application, review or related document shall be divided into paragraphs and shall be numbered consecutively and each paragraph shall contain as nearly as may be, a separate fact or allegation or point.

(3) Every case, application, review or document shall explicitly state the following.—

- (a) facts of the case, application, review sought;
- (b) point of issue; and
- (c) relief sought.

(4) The address for service of notice shall be filed with every case, application, review or any document related thereto and shall as far as possible contain the following details namely:—

- (a) the name of the road, street, lane and Municipal Division or Ward, Municipal Door and other number of the house, office or premises, as the case may be;
- (b) the name of the town or village;
- (c) the post office, postal district and pin code, and
- (d) any other particulars necessary to locate and identify the addressee such as fax number, mobile number, valid e-mail address, if any.

(5) Every case, application, review and counter statements shall be filed in triplicate in the prescribed form with stipulated fee.

(6) Every case, application or review may be accompanied by documents duly certified by the authorised representative or legal practitioner duly verified from the originals.

(7) All the documents filed before the Adjudicatory Board shall be accompanied by an index containing their details and the amount of fee paid thereon.

(8) Every interlineations, eraser or correction or deletion in any case or application or document shall be initialed by the party or his authorised representative presenting it.

**37. Fee.—**(1) Every case, application or review filed under these rules shall be accompanied with such fee as may be fixed by the Adjudicatory Board in this behalf from time to time.

(2) The fee shall be remitted either in the form of crossed demand draft or through digital payment modes in favour of Major Ports Adjudicatory Board.

(3) No fees shall be applicable in case of reference made by the Central Government under clause (e) of sub-section (1) of section 58 of the Act.

**38. Quorum for hearing by Adjudicatory Board.—**(1) The quorum for hearing any case shall constitute of the Presiding Officer or any member or members of the Adjudicatory Board as authorised by the Adjudicatory Board in this behalf.

(2) The quorum for hearing any application shall constitute the Presiding Officer and at least one Member of the Adjudicatory Board.

**39. Notice to the respondent.—**(1) A copy of any case filed under Category A shall be served by the Secretary on the concerned Board of the Major Port Authority and any other respondents.

(2) A copy of the application under Categories B, C, D or F shall be served by the Registrar on the concerned Board of the Major Port Authority and any other respondents.

(3) The service under sub-rule (1) and (2) may be done by hand delivery, post or e-mail.

**40. Filing of reply and other documents by the respondent.**—(1) Each respondent may file his reply and copies of related documents on which it relies, in such form and manner and in accordance with such criteria as may be fixed by the Adjudicatory Board in this behalf, before the date of hearing and such reply and copies of documents shall form part of the record.

(2) The reply under sub-rule (1) may be filed by the respondent in person or through an authorised representative or a duly authorised legal practitioner to—

- (a) the Secretary, if the reply pertains to a case in respect of Category A; and
- (b) the Registrar, if the reply pertains to an application under Categories B, C, D or F.

(3) Any reply sent by post under sub-rule (2) shall be deemed to have been filed on the day on which it is received in the office of the Secretary or the Registrar, as the case may be.

(4) A copy of the reply shall be forthwith served on the applicant by the respondent.

(5) To the reply filed under sub-rule (1), the respondent shall specifically admit, deny or rebut the facts stated by the applicant in his case or application and state such additional facts as may be found necessary in his reply.

**41. Filing of rejoinder.**—Where the respondent states such additional facts as may be necessary for the just decision of the case or the application, the Adjudicatory Board may allow the applicant to file a rejoinder to the reply filed by the respondent, with an advance copy to be served upon the respondent.

**42. Power of Adjudicatory Board to call for further information or evidence.**— (1)The Adjudicatory Board may, before passing orders, require the applicant or respondent or both of them, to produce such further documentary or other evidence as it may consider necessary:—

- (a) for the purpose of satisfying itself as to the truth of the allegations made in such case or application; or
- (b) for ascertaining any information which, in the opinion of the Adjudicatory Board, is necessary for the purpose of enabling it to pass orders in such case or application.

(2) Without prejudice to sub-rule (1), the Adjudicatory Board may, for the purpose of inquiry or investigation, as the case may be, admit such documentary and other mode of recordings in electronic form including e-mails, books of accounts, book or paper, written communications, statements, contracts, electronic certificates and such other similar mode of transactions as may legally be permitted to take into account of those as admissible as evidence under the relevant laws.

**43. Hearing of cases.**—(1) For hearing cases, the Adjudicatory Board shall adopt a consultative process so as to promote the greatest participation of the greatest number of interested parties including Major Port Authorities, private operators and port users.

(2) The hearings under sub-rule (1) shall be organised on behalf of the Adjudicatory Board by the Presiding Officer or any member or members authorised by the Presiding Officer.

**44. Date and place of hearing to be notified.**— (1) Notice for hearing shall be issued by the Adjudicatory Board or any other officer authorised in this regard by the Adjudicatory Board.

(2) Where at any stage prior to the hearing of any case or application, the applicant desires to withdraw such case or application, he shall make an application to that effect to the Adjudicatory Board, and the Adjudicatory Board on hearing the applicant and if necessary, such other party arrayed as opposite party in such case or application or otherwise, may permit such withdrawal upon imposing such costs as it may deem fit and proper for the Adjudicatory Board in the interests of the justice.

**45. Action on case or application for applicant's default.**—(1) Where on the date fixed for hearing of the case or application or any other date to which such hearing may be adjourned, the applicant does not appear when called for hearing, the Adjudicatory Board may, in its discretion, either dismiss the case or application for default or hear and decide it on merits.

(2) Where the case or application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Adjudicatory Board that there was sufficient cause for his non-appearance when the case or application was called for hearing, the Adjudicatory Board shall make an order setting aside the order dismissing the said case or application and restore the same:

Provided that, where the case or application has been disposed of on merits, the same shall not be reopened except by way of review.

**46. Ex parte hearing and disposal of case or application.**—(1)Where on the date fixed for hearing or any other date to which such hearing has been adjourned, the applicant appears and the respondent does not appear,

the Adjudicatory Board may, in its discretion, adjourn the hearing or hear and decide the case or application *ex parte*.

(2) Where a case or an application has been heard *ex-parte* against a respondent or respondents, such respondent or respondents may apply within thirty days from the date of order of the Adjudicatory Board for an order to set aside and if such respondent or respondents satisfy the Adjudicatory Board that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the case or application was called for hearing, the Adjudicatory Board may make an order setting aside the *ex parte* hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the said case or application:

Provided that where the *ex parte* hearing of the case or application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also.

**47. Substitution of legal representatives.**— (1) Where a party to a proceeding pending before the Adjudicatory Board dies or is adjudged insolvent or, in the case of a company, being wound up, the proceeding shall not abate and may be continued by or against the executor, administrator or other legal representative of the parties or by or against the assignee, receiver or liquidator, as the case may be.

(2) In the case of death of a party during the pendency of the proceedings before the Adjudicatory Board, the legal representative of the deceased party may apply within ninety days from the date of such death for being brought on record.

(3) Where no petition or application is received from the legal representatives within the period specified in sub-rule (2), the proceedings shall abate:

Provided that for good and sufficient reasons shown, the Adjudicatory Board may allow substitution of the legal representatives of the deceased at any time before disposing the application on merits.

**48. Adjournment of hearing.**—(1) The Adjudicatory Board may, if sufficient cause is shown at any stage of proceedings, grant time to the parties or any of them and adjourn the hearing.

(2) The Adjudicatory Board may make such order as it deems fit with respect to the costs occasioned by the adjournment.

(3) All adjournments shall be to a day certain and no case or application shall be adjourned *sine die* except for the reasons recorded in writing.

(4) The Adjudicatory Board shall have the power to decline an adjournment and also to limit the time for oral arguments:

Provided that where the Adjudicatory Board deems it necessary, for reasons to be recorded in writing, it may allow oral evidence to be adduced.

**49. Expeditious disposal by Adjudicatory Board.**—(1) Any case, application or review filed before the Adjudicatory Board under these rules shall be dealt with and disposed by it as expeditiously as possible after the perusal of documents, affidavits and written representations and after hearing such oral arguments as may be advanced and every endeavour shall be made by the Adjudicatory Board for the disposal of such case, application or review within six months from the date of its presentation before the Adjudicatory Board.

(2) Where any case, application or review is not disposed of within the period specified in sub-rule (1), the Adjudicatory Board shall record the reasons for not disposing of the case, application or review, as the case may be, within the period so specified; and the Presiding Officer may, after taking into account the reasons so recorded, extend the period referred to in sub-rule (1) by such period not exceeding ninety days as the Presiding Officer may consider necessary.

**50. Issuance of orders.**— (1) On receipt of any case or application, the Adjudicatory Board may, after giving the applicant and the respondent, if any, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order or action challenged.

(2) Every order shall contain the name of the Presiding Officer and members of the Adjudicatory Board who have taken part in the decision and shall be signed and dated by the Presiding Officer and such members.

(3) The Adjudicatory Board shall send a copy of every order made by it to the applicant and the respondent free of cost:

Provided that unless otherwise ordered by the Adjudicatory Board, a copy of the final order need not be sent to any respondent who has not entered appearance.

**51. Award of costs in the proceedings.**—(1) Whenever the Adjudicatory Board deems fit, it may award cost for meeting the legal expenses of the respondent of defaulting party.

(2) The Adjudicatory Board may in suitable cases direct applicant or respondent to bear the cost of litigation of the other side, and in case of abuse of process of the Adjudicatory Board, impose exemplary costs on defaulting party.

**52. Publication of orders.**—The orders of the Adjudicatory Board as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Adjudicatory Board may lay down.

**53. Certified copies of documents.**— If the applicant or the respondent to any proceeding requires a copy of any document or proceeding, the same shall be supplied to him on such terms and conditions and on payment of such fee as may be fixed by the Presiding Officer by general or special order.

**54. Preservation of record.**— (1) All necessary documents and records relating to any case, application and reference dealt with by the Adjudicatory Board shall be stored or maintained in a record room and shall be preserved for a period of five years after the passing of the final order.

(2) On the expiry of the period for preservation of the records specified under sub-rule (1), the Adjudicatory Board or any person authorised by the Adjudicatory Board in this behalf shall weed out the records.

**55. Application for review.**—(1) No application for review of any order shall be entertained by the Adjudicatory Board unless it is filed by an aggrieved party in such form and manner and in accordance with such criteria as may be fixed by the Adjudicatory Board in this behalf, within thirty days from the date of receipt of copy of the order sought to be reviewed and the review is filed on account of some mistake or error apparent on the face of the record only.

(2) Unless otherwise ordered by the Adjudicatory Board, an application for review shall be disposed of by circulation where the Adjudicatory Board may either dismiss the application or direct notice to be issued to the opposite party.

(3) Where an application for review of any order has been disposed of, thereafter no application for further review shall lie.

(4) No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating the mistake or error apparent on the face of the record.

## PART H

### PROCEDURE FOR MAKING REFERENCE BEFORE THE ADJUDICATORY BOARD UNDER CATEGORY E

**56. Procedure to make reference.**—(1) Any reference to the Adjudicatory Board shall be presented to the Secretary or to an officer authorised in this behalf by the Secretary.

(2) The reference under sub-rule (1) shall be made in such form and manner and in accordance with such criteria as may be fixed by the Adjudicatory Board in this behalf.

(3) A reference under sub-rule (1) shall be deemed to have been made on the day on which the complete set of reference is received in the office of the Secretary or the authorised officer, as the case may be.

(4) The reference shall contain—

- (a) the specific proposition of law or fact or specific issue or policy or any other matter relating to the operations of the major port on which the suggestion or order is solicited;
- (b) background and historical data relevant for the determination of the proposition or the issue or the policy or any other matter;
- (c) copies of the relevant statutes including the rules, regulations, notifications, orders as considered necessary, if applicable;
- (d) updated list of the parties involved with their complete addresses, telephone numbers, fax numbers, e-mail addresses; and
- (e) where applicable, proof of having informed the parties concerned about the matter having been referred to the Adjudicatory Board for suggestions or order under clause (e) of sub-section (1) of section 58 of the Act, if applicable.

(5) The contents of the reference mentioned under sub-rules (1) and (2), along with the appendices and attachments thereto, shall be complete and duly signed by an officer not below the rank of.—

- (a) a Joint Secretary to the Government of India, if the reference has been made by the Central Government; and

- (b) the Chairperson or the Deputy Chairperson or any other officer of the Major Port Authority authorised by the Board on their behalf, if the reference has been made by the Board of the Major Port Authority.

**57. Powers and functions of Secretary pertaining to reference, scrutiny of reference and proceedings on reference and suggestions or order of Adjudicatory Board.**— (1) The Secretary shall have the custody of records of the reference and shall exercise such other functions as may be assigned by the Presiding Officer.

(2) The Secretary shall be the nodal officer on behalf of the Adjudicatory Board for receiving all references under clause (e) of sub-section (1) of section 58 of the Act.

(3) Without prejudice to the generality of the foregoing, the Secretary shall have the following powers and functions.—

- (a) to receive, endorse and categorise all the references and related documents;
- (b) to scrutinise all references so received to find out whether they are in conformity with these rules;
- (c) to point out defects, if any, in such references to the concerned parties requiring them to rectify such defects within fifteen days of receipt of communication from the office of the Secretary in that regard;
- (d) to serve copy of the information, reference or document along with the enclosures to the concerned parties;
- (e) subject to the directions of the Presiding Officer, if necessary, to fix date of hearing on the reference received and issue at least fifteen days prior notices thereof to the concerned parties;
- (f) to convey the suggestions, opinions, orders of the Adjudicatory Board to the Central Government or the concerned Major Port Authority; and
- (g) to place the reference before the Adjudicatory Board for its consideration, in accordance with these rules.

(4) The parties to whom the notices are issued under clause (e) of sub-rule (3), may file comments or reply to the notice after having served a copy thereof to each party at least seven days prior to the date of hearing, if applicable.

(5) The Adjudicatory Board may, if necessary, call upon a representative of the Central Government or the Board of a Major Port Authority or an expert in the field for discussion as it may consider necessary in the matter.

(6) The Adjudicatory Board may collect particulars and information from any person or enterprise or Central Government or the Board of a Major Port Authority, which in its opinion is relevant to the reference received by the Adjudicatory Board.

(7) The Adjudicatory Board may form an opinion and send the same to the concerned parties and seek their objections or suggestions thereon within the time decided by it and after considering such objections or suggestions it shall, within thirty days, give its final opinion or pass an order, as the case may be, and communicate the same in writing to the Central Government or the Board of a Major Port Authority, as the case may be.

## PART I

### INSPECTION OF RECORDS

**58. Inspection of the records.**— (1) Inspection of records of a pending or decided case or application before the Adjudicatory Board shall be allowed under the orders of the Registrar.

(2) The parties or their authorised representative may be allowed to inspect the record of the case on making an application in writing to the Registrar.

(3) Subject to the terms and conditions as may be specified by the Presiding Officer by a general or special order, a person who is not a party to the proceedings, may also be allowed to inspect the record after obtaining the permission of the Registrar.

**59. Application for grant of inspection.**—(1) Application for inspection of record under sub-rule (2) of rule 58, shall be presented to the Registrar or any other person authorised in that behalf between 10.30 AM and 3.00 PM on any working day and at least two days before the date on which inspection is sought, unless otherwise permitted by the Registrar.

(2) On receipt of the application under sub-rule (1), the Registrar shall consider the said application and pass appropriate orders.

(3) Inspection of records of a pending case shall not ordinarily be permitted on the date fixed for hearing of the case or on the preceding day.

**60. Mode of inspection.**—(1) On grant of permission for inspection of the records, the Registrar or any other person authorised in that behalf shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar between 10.30 AM to 12.30 PM and between 2.30 PM to 4.30 PM in the presence of an officer authorised in that behalf by the Registrar.

(2) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of inspection.

(3) The person inspecting the records shall not make any marking on any record or paper so inspected and taking notes, if any, of the documents or records inspected may be done only in pencil.

(4) The person supervising the inspection, may at any time prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar and seek further orders from the Registrar and such notes shall be made in the inspection register.

**61. Maintenance of register of inspection.**— The Registrar shall cause to maintain a register for the purpose of inspection of documents or records and shall obtain therein the signature of the person making such inspection on the register on the conclusion of inspection.

## PART J

### APPEARANCE OF AUTHORISED REPRESENTATIVE

**62. Appearance of authorised representative.**—No legal practitioner or authorised representative shall be entitled to appear and act, in any proceeding before the Adjudicatory Board unless he files before the Adjudicatory Board a Vakalatnama or Memorandum of Appearance, as the case may, in such form and in accordance with such criteria as may be fixed by the Adjudicatory Board in this behalf and duly executed by or on behalf of the party for whom he appears.

**63. Consent for engaging another legal practitioner.**— A legal practitioner proposing to file a Vakalatnama or Memorandum of Appearance, as the case may be, in any pending case or proceeding before the Adjudicatory Board in which there is already a legal practitioner or authorised representative on record, shall do so only with the written consent of the legal practitioner or the authorised representative on record or when such consent is refused, with the permission of the Adjudicatory Board after the revocation of Vakalatnama or Memorandum of Appearance, as the case may be, on an application filed in this behalf, which shall receive consideration only after service of such application on the counsel already on record.

**64. Restrictions on appearance.**— A legal practitioner or the authorised representative as the case may be, who has tendered advice in connection with the institution on any matter or other proceeding before the Adjudicatory Board or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, appear in such matter or proceeding or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Adjudicatory Board.

## PART K

### FUNDS AND ACCOUNTS OF ADJUDICATORY BOARD

**65. Fund.**—(1) There shall be constituted a Fund to be called the Major Ports Adjudicatory Board General Fund and there shall be credited thereto—

- (a) all grants, fees and charges received by the Adjudicatory Board under the Act and these rules; and
- (b) all sums received by the Adjudicatory Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

- (a) the salaries, allowances and other remuneration of the Presiding Officer, Members, officers and other employees of the Adjudicatory Board; and
- (b) the expenses of the Adjudicatory Board in the discharge of its functions under the Act and these rules.

**66. Grants by Central Government.**— The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Adjudicatory Board grants of such sums of money as that Government may think fit for being utilised by the Adjudicatory Board for performance of its functions under the Act.

**67. Bank accounts of Adjudicatory Board.**—(1) The Adjudicatory Board shall be entitled to open bank account or accounts for deposit of moneys received by or on behalf of the Adjudicatory Board in the discharge of its functions under the Act and these rules.

(2) The bank accounts of the Adjudicatory Board shall be operated by such officer or officers of the Adjudicatory Board as the Adjudicatory Board may from time to time authorise in this regard.

**68. Accounts and Audit.**—(1) The accounts of the Adjudicatory Board shall be audited by the Comptroller and Auditor-General of India or such other person as may be appointed by him in this behalf and any amount payable to him by the Adjudicatory Board in respect of such audit shall be debitable to the general account of the Adjudicatory Board.

(2) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Adjudicatory Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Adjudicatory Board.

(3) The accounts of the Adjudicatory Board, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Adjudicatory Board.

## PART L

### MISCELLANEOUS

**69. Continuity of regulations made by Tariff Authority for Major Ports.**— Until the necessary criteria for matters stipulated in these rules for the efficient discharge of its functions is established by the Adjudicatory Board, the corresponding regulations made by the Tariff Authority for Major Ports shall continue to apply in the Adjudicatory Board and the same shall cease to have effect from the date on which such criteria established by the Adjudicatory Board comes into force.

**70. Language of the Adjudicatory Board.**—The language of the Adjudicatory Board shall be English.

**71. Limitation.**—The provisions of the Limitation Act, 1963 (36 of 1963), shall, as far as may be, apply to the cases and applications made to the Adjudicatory Board under these rules.

**72. Presiding Officer, Members, officers and employees of Adjudicatory Board to be public servants.**— The Presiding Officer, Members and other officers and employees of the Adjudicatory Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**73. Powers of Adjudicatory Board with regards to certain orders and directions.**— Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Adjudicatory Board to make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

**74. Working hours of Adjudicatory Board.**— (1) Except on Saturdays, Sundays and other public holidays, the office of the Adjudicatory Board shall, subject to any other order made by the Presiding Officer, remain open daily from 9.30AM to 6.00 PM but no work, unless of an urgent nature, shall be admitted after 4.30 PM on any working day.

(2) Subject to any order made by the Presiding Officer, the sitting hours of the Adjudicatory Board shall ordinarily be from 10.30 AM to 1.00 PM and 2.00 PM to 4.30 PM.

**75. Holiday.**— (1) The office of the Adjudicatory Board shall observe such public and other holidays as observed by the offices of the Central Government in the locality where the office of the Adjudicatory Board is situated.

(2) Where the last day for doing any act falls on a day on which the office of the Adjudicatory Board is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office opens.

**76. Seal and emblem.**—(1) The official seal and emblem of the Adjudicatory Board shall be such as the Presiding Officer may from time to time direct and shall be kept in the custody of the Registrar.

(2) Subject to any general or special direction by the Presiding Officer, the seal of the Adjudicatory Board shall not be affixed to any order, summons or other process, save under the authority in writing from the Registrar.

(3) The seal of the Adjudicatory Board shall not be affixed to any certified copy issued by the Adjudicatory Board save under the authority in writing of the Registrar.

**77. Dress regulations for Presiding Officer, Members, staff and other persons.**—(1) The dress for the Presiding Officer, Members and the staff of the Adjudicatory Board shall be such as the Presiding Officer may specify by order in writing.

(2) Every authorised representative, other than a relative or regular employee of the party shall appear before the Adjudicatory Board in his professional dress if any, and if there is no such dress, any other sober dress.

(3) All other persons appearing before the Adjudicatory Board shall be properly dressed.

**78. Assistance to Adjudicatory Board.**— The Adjudicatory Board may take the assistance of any Major Port or other institutions, consultants, advisors, experts, including legal experts, chartered accountants, surveyor and such other technical and professional persons, as it may consider necessary on payment, if any, of reasonable fee and ask them to submit reports or furnish any information.

**79. Delegation of powers.**— The Adjudicatory Board may, by general or special order, direct, subject to such conditions, if any, as may be specified in the order, any of its officers or employees or any other person authorised by it to inquire into any matter connected with any proceeding and to report to it in such manner as may be specified in the order.

**80. Residuary Provision.**—Any matter related to –

- (a) the terms and conditions of service of the Presiding Officer and members of the Adjudicatory Board; or
- (b) terms and conditions of service of officers and employees of the Adjudicatory Board; or
- (c) the powers, functions and procedure of the Adjudicatory Board.

for which no express provision has been made in these rules; shall be referred in each case by the Adjudicatory Board to the Central Government for its decision and the decision of the Central Government thereon shall be final

#### Schedule

[See rule 20(2)]

1. Registrar
2. Secretary
3. Director
4. Financial Adviser
5. Joint Registrar
6. Joint Director
7. Senior Principal Private Secretary
8. Deputy Registrar
9. Deputy Director
10. Senior Administrative Officer
11. Assistant Director
12. Assistant Registrar
13. Assistant Director (IT)
14. Administrative Officer
15. Public Relation Officer
16. Principal Private Secretary
17. Private Secretary
18. Senior Legal Officer
19. Junior Legal Officer
20. Legal Assistant
21. Senior Accounts Officer
22. Section Officer
23. Record Keeping Officer
24. Accounts Officer or Drawing and Disbursement Officer



25. Desk Officer
26. Library and Information Officer
27. Programmer
28. Assistant Programmer
29. Junior Accounts Officer
30. Cashier
31. Assistant
32. Library and Information Assistant
33. Junior Hindi Translator
34. Stenographer C or Personal Assistant
35. Stenographer D
36. Record Keeper
37. Upper Divisional Clerk (UDC)
38. Lower Divisional Clerk (LDC) or Typist
39. Receptionist-cum-telephone operator
40. Hindi Typist

### Form - I

[See rule 18]

#### Form of oath of office for the Presiding Officer or members of the Adjudicatory Board

I, \_\_\_\_\_, having been appointed as the Presiding Officer/ member [*cross out portion not applicable*] of the Adjudicatory Board do solemnly affirm and swear in the name of God that I will –

- (a) faithfully and conscientiously discharge my duties as the Presiding Officer/ member [*crossout portion not applicable*] of the Adjudicatory Board to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will;
- (b) not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Presiding Officer/ member [*cross out portion not applicable*] of the Adjudicatory except as may be required for the due discharge of my duties as such Presiding Officer / member [*cross out portion not applicable*].

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

### Form - II

[See rule 19]

#### Declaration against acquisition of any adverse financial or other interest

I, \_\_\_\_\_, having been appointed as the Presiding Officer/ member [*cross out portion not applicable*], do solemnly affirm and declare that –

- (a) I am neither ineligible nor disqualified to hold the office of Presiding Officer / member [*cross out portion not applicable*] of the Adjudicatory Board; and
- (b) I do not have, nor shall have in future any financial or other interest including conflict of interest which is likely to affect prejudicially my functioning as the Presiding Officer / member [*cross out portion not applicable*], of the Adjudicatory Board.

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

[F. No. PD-24015/60/2021-PD-I]  
SUSHIL KUMAR SINGH, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-20

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 04 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:02.03.2023.

ದಿನಾಂಕ: 16.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Food Safety and Standards (First  
Amendment) Rules, 2022ರ Notification-GSR 33(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ  
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF HEALTH AND FAMILY WELFARE****(Department of Health and Family Welfare)****NOTIFICATION**

New Delhi, the 16th January, 2023

**G.S.R. 33(E).**—Whereas in exercise of the powers conferred by section 91 of Food Safety and Standards Act, 2006 (34 of 2006), the draft of certain rules, namely, the Food Safety and Standards (First Amendment) Rules, 2020, was published vide notification of the Government, of India, Ministry of Health and Family Welfare *vide* number G.S.R. 535(E), dated the 27th August, 2020, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from persons likely to be affected thereby, within a period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the said Official Gazette were made available to the public on the 27th August, 2020;

And whereas the objections and suggestions received from the public in respect of the said draft regulations have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 91 of the said Act, the Central Government hereby makes the following rules further to amend the Food Safety and Standards Rules, 2011, namely: -

1. (1) These rules may be called the Food Safety and Standards (First Amendment) Rules, 2022.

(2) They shall come into the force on the date of their publication in the Official Gazette.

2. In the Food Safety and Standards Rules, 2011(hereinafter to be referred as the said rules), in rule 2.1, -

1. in sub-rule 2.1.2 relating to ‘Designated Officer’, -

(a) in clause 1 relating to qualification, -

(i) for sub-clause (i), the following clause shall be substituted, namely: -

“(i) The Designated Officer shall be a whole time Officer, not below the rank of Sub-Divisional Officer or equivalent and shall possess a Bachelor’s or Master’s or Doctorate degree in Science with chemistry as one of the subjects or shall possess at least one of the educational qualifications prescribed for the Food Safety Officers under these rules or who has possessing not less than five years of experience as Food Safety Officers or has not less than seven years combined experience as Food Safety Officer and Food Inspector of which minimum four years as Food Safety Officer after commencement of the Food Safety and Standards Act:

Provided that the Commissioner of Food Safety may with the previous approval of the State Government, confer a Sub-Divisional Officer of the area, additional charge as Designated Officer for same period as may be specified by the Food Authority.

Provided further that the Chief Executive Officer may confer any officer of the Central Government with additional charge as Designated Officer for the area outside the jurisdiction of State Government or Union territory Government”

(ii) sub-clause (ia) shall be omitted;

(iii) in sub-clause (ii), the proviso shall be omitted;

(iv) in sub-clause (iii), in item (a), after the words “as Local Health Authority”, the words “or appointed as Food Safety Officer having qualification prescribed under these rules” shall be inserted;

(b) in clause 2 relating to powers and duties, the sub-clause (iia) shall be omitted;

(2)in sub-rule 2.1.3 relating to ‘Food Safety Officer’,-

(a) in clause 1 relating to qualification, -

i. for sub-clause (i), the following shall be substituted, namely:-

“(i) a Bachelor’s or Master’s or Doctorate degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Chemistry or medicine from a recognized University, or”

ii. in sub-clause (ii), for the words “notified by the Central Government,” the words “notified by the Food Authority with the prior approval of the Central Government,” shall be substituted.

(b) in clause 4 relating to powers and duties, in sub-clause (iii), after item (d), the following sub-clause shall be inserted, namely: -

“(dd) examine the label of any article of food to be sent for analysis in accordance with the requirements of labelling, advertisement and claims as specified in the regulations made under the Food Safety and Standards Act and send the report of non-compliance, if found, to the Designated officer for scrutiny so as to take further proceedings as per the provisions of the Food Safety and Standards Act, or rules made thereunder.”

(3) in sub-rule 2.1.4 relating to ‘Food Analyst’, in clause 1 relating to qualification, for sub-clause (i), the following shall be substituted, namely:-

“(i) holds a Bachelor’s or Master’s or Doctorate degree in Chemistry or Biochemistry or microbiology or Dairy Chemistry or Agriculture Science or Animal Science or Fisheries Science or Biotechnology or Food safety or Food Technology, Food and Nutrition or Dairy Technology or Oil Technology or Veterinary Sciences from a university established in India by law or is an associate of the Institution of Chemists (India) by examination in the section of Food Analysts conducted by the Institution of Chemists (India) or any other equivalent qualification notified by the Food Authority with the prior approval of the Central Government and has not less than three years’ experience in the analysis of food; and”

(4) In the said rules, in rule 2.4 relating to ‘Sampling and analysis,-

(a) in sub-rule 2.4.1 relating to Procedure for taking sample and manner of sending it for analysis, -

(i) after clause 7, the following clause shall be inserted;

“7(a) Mask all the information relating to the Food Business Operator in the label of the sample including brand or trade name and bar code suitably and provide a code number.”

(ii) in clause 8, after the words “containing the samples” the words “and prepackaged samples” shall be inserted.

(iii) in clause 9, after sub-clause (i), the following proviso shall be inserted, namely, -

“Provided that, in case of samples drawn for microbiological analysis, surveillance, import clearance, investigation of complaint and food safety emergency response, the requirement of four parts of a samples shall not apply and number of parts of a samples for such condition shall be as specified in the following Table.

**TABLE**

S.No.	Condition of sampling	Number of parts of samples
1	Microbiological analysis	As specified in Appendix B of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011
2	Surveillance	As per the surveillance plan by the Food Authority or State Food Authority.
3	Import clearance	As specified in the Food Safety and Standards (Food import) Regulations, 2017.
4	Food safety emergency incidents	Less than the mandated number of parts of the sample subject to reasons along with the evidence to be recorded in writing.
5	Any other cases	Less than the mandated number of parts of the sample subject to reasons along with the evidence to be recorded in writing”

(b) in sub-rule 2.4.2,-

(i) in clause (2) for "Central/State Government," the words "Food Authority" shall be substituted.

(ii) for clause 7, the following shall be substituted, namely: -

"7. The manual of the method of analysis, as amended or adopted by the Authority from time to time, shall be used for analysing the samples of food articles, provided that in case the method for analysing any parameter is not available in the manual, the Food Laboratory may adopt a validated method of analysis prescribed by AOAC/ International Organization for Standardization (ISO) / Pearson's/ Jacob/ International Union of Pure and Applied Chemistry/ Food Chemicals CODEX/ Bureau of Indian Standards/ Woodmen/ Winton-Winton/ Joslyn or any other internationally recognized regulatory agencies."."

(5) in sub-rule 2.4.6 relating to Appeal to the Designated Officer, after clause 2, the following clause shall be inserted, namely: -

"3. The certificate of analysis in the Form XI duly signed by the Director of the Referral Laboratory shall be forwarded within fourteen days of receipt of sample :

Provided that in case the Referral Laboratory is unable to analyse the sample within fourteen days of its receipt, the Referral Laboratory shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis."

(6) for Form VA , the following Form shall be substituted, namely:-

#### **"FORM V A**

(See rule 2.4.1. (3))

Form of Notice to the Food Business Operator

To .....

.....

Dear Sir/s/ Madam:

I have this day taken the samples of food from premises/shop/market of .....situated at .....as specified below to have the same analysed by the Food Analyst for \_\_\_\_\_.

Details of food:

Batch number if available:

Parameter to be tested:

1. As per the Food Safety and Standards Authority of India Standards for the specific products

2. Any additional test to be performed if any

Date:

Place: (Sd/-) Food Safety Officer/  
Authorized  
Officer.

Address:

Acknowledgement:

Sign of Food Business Operator

Witnesses

Witnesses"

(7) for Form VI, the following Form shall be substituted, namely:-

**“FORM VI**

(See rule 2.4.1(11))

**MEMORANDUM TO FOOD ANALYST**

From: .....

Date: \_\_\_\_\_

To

Food Analyst

.....

.....

**MEMORANDUM**

(See rule 2.4.1(11))

1. The sample specified below is being forwarded herewith for analysis under \_\_\_\_ of \_\_\_\_ of section \_\_\_\_ of Food Safety and Standards Act, 2006 (34 of 2006).

(i) Code Number

(ii) Date of collection

(iii) Name, Nature of articles submitted for analysis

(iv) Name, Nature and quantity of preservative, if any, added to the sample.

(v) quantity and number of sample

(vi) Special request with reason

(vii) any additional relevant information

(viii) Parameter to be tested (a) As per the Food Safety and Standards Authority of India Standards for the specific products

(b) Any additional test to be performed if any

2. A copy of this memo and specimen impression of the seal used to seal the packet of sample are being forwarded separately by post or courier or hand delivery (strike out whichever is not applicable)

(Sd/) Food Safety Officer Address:

Address:”

(8) for Form VII A, the following Form shall be substituted, namely:-

**“Form VII A**

**Report of the Food Analyst**

[ See rule 2.4.2(5) and 2.4.4 (6)]

Report No. \_\_\_\_\_.

Certified that I \_\_\_\_\_ (name of the Food Analyst) duly appointed under the provisions of Food Safety and Standards Act, 2006 (34 of 2006), for \_\_\_\_\_ (name of the local area) received from \_\_\_\_\_\* a sample of \_\_\_\_\_, bearing Code number and Serial Number \_\_\_\_\_ of Designated Officer of \_\_\_\_\_ area\* on \_\_\_\_\_ (date of receipt of sample) for analysis.

The condition of seals on the container and the outer covering on receipt was as follows:

I found the sample to be ..... (category of the sample) falling under Regulation No. \_\_\_\_ of \_\_\_\_\_. The sample \*\*was in a condition fit for analysis and has been analysed on \_\_\_\_\_ (give date of starting and completion of analysis) and the result of its analysis is given below/\*\* was not in a condition fit for analysis for the reason given below:

Reasons:

.....

.....

**Analysis report**

(i) Sample Description

.....

(ii) Physical Appearance

.....

Sl. No.	Quality characteristics	Nature of method of test used	Result	Prescribed standards as per <ol style="list-style-type: none"> <li>As per provisions of the Act, and the rules and regulations made thereunder</li> <li>As per label declaration for proprietary food</li> </ol>
1.				
2.				
3.				
4.				
5.				
6.				

Opinion\*\*\*

Signed this \_\_\_\_ day of \_\_\_\_ 20

(Sd/-) Food Analyst.

Address:

\* Give the details of the senders

\*\* Strike out whichever is not applicable

\*\*\*When opinion and interpretation are included, document the basis upon which the opinions or interpretations have been made.

(9) After Form X , the following Form shall be inserted, namely:-

### “FORM XI

(See rule 2.4.6(3))

#### CERTIFICATE OF ANALYSIS BY THE REFERRAL FOOD LABORATORY

Certificate No. ....

Certificate that the sample , bearing number .....purporting to be a sample/of ..... was received on ..... with Memorandum No. .... Dated ..... From ..... [Name of the Court] ..... for analysis. The condition of seals on the container and the outer covering on the receipt was as follows:

.....  
.....

I ..... (name of the Director)\_ ..... found the sample to be ..... (Category of food sample) ..... falling under Regulation No. .... of Food Safety and Standards(Food Products and Food Additive) Regulations, 2011. The sample was in a condition fit for analysis and has been analyzed on ..... (Give date of starting and completion of analysis) ..... and the result of its analysis is given below /\*was not in a condition fit for analysis for the reasons given below:—

Reason: —

.....

Analysis Report: —

(i) Sample Description: — .....

(ii) Physical Appearance: — .....

(iii) Label: — .....



Sl.No.	Quality Characteristics	Characteristics Name of the Method of the test used Results Prescribed Standards as per:- (a) As per Food Safety and Standards (Food Products and Food Additive) Regulations, 2011 (b) As per label declaration for proprietary foods (c) As per the provisions of the Act and Regulations, for both above
1.		
2.		
3.		
4.		
5.		
6.		

Opinion \*\*

Place:

(Signature)

Date:

Director Referral Food Laboratory

(Seal)

\* Strike out whichever is not applicable.

\*\* When opinion and interpretation are included, document the basis upon which the opinions/interpretations have been made.

[F. No.P.15025/13/2019-FR]

Dr. MANDEEP K. BHANDARI, Jt. Secy.

**Note.-** The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide notification number G.S.R. 362(E), dated the 5th May, 2011 and last amended vide notification number G.S.R. 1516(E), dated the 13th December, 2017.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-21**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 05 ಕೇನಿಪು 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:02.03.2023.

ದಿನಾಂಕ: 30.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Central Civil Services (Extraordinary Pension)  
Rules, 2023ರ Notification-GSR 63(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ  
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS****(Department of Pension and Pensioners' Welfare)****NOTIFICATION**

New Delhi, the 30th January, 2023

**G.S.R. 63(E).**—In exercise of the powers conferred by proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

**1. Short title and commencement.** - (1) These rules may be called the Central Civil Services (Extraordinary Pension) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Application.** - (1) These rules shall apply to the Government servants to whom the Central Civil Services (Pension) Rules, 2021 apply:

Provided that in the event of death or discharge from the service on the ground of disability of a Government servant, who is covered by the Central Civil Services (Implementation of National Pension System) Rules, 2021, the benefits of family pension, disability pension and constant attendant allowance under these rules shall be payable to the Government servant or his family, as the case may be, if the Government servant had exercised an option to this effect under rule 10 of the Central Civil Services (Implementation of National Pension System) Rules, 2021:

Provided further that no benefits shall be paid under these rules in respect of a Government servant who dies or gets disabled while on foreign service under a United Nations' body if he had opted not to pay the pension contributions during the period of such deputation and not to get the service rendered in the United Nations' body counted as qualifying service in accordance with rule 29 of the Central Civil Services (Pension) Rules, 2021.

(2)(a) Where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable in case of a Government servant acquiring a disability, such case shall be governed by the provisions of the said section.

(b) Where a Government servant referred to in clause (a) intends to retire and avail benefits under these rules, the Government servant shall be advised that he has the option, in terms of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) to continue in service with the same pay scale and service benefits which he is otherwise entitled to and in case the Government servant does not withdraw his request for retirement, he may be allowed to retire and his case for grant of disability pension may be processed in accordance with the provisions of these rules.

(c) A Government servant, who belongs to an establishment which has been exempted from the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), by a notification issued under the proviso to sub-section (1) of section 20 of the said Act and who is boarded out of Government service on account of disablement, shall be eligible for disability pension in accordance with the provisions of these rules:

Provided that where the medical board has found a Government servant fit for further service of less laborious character than that which he had been doing, he shall, subject to his willingness to be so employed, be employed on a lower post and if the Government servant is not willing to be employed on a lower post or if there is no means of employing him even on a lower post, he may be granted disability pension under these rules.

(d) If a Government servant referred to in clause (a) or clause (c) is retained in service in spite of disablement, he shall be paid compensation in lump-sum in lieu of the disability pension in accordance with sub-rule (5) of rule 10 of these rules.

**3. Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “accident” means—

(i) a sudden and unavoidable mishap; or

(ii) a mishap due to an act of devotion to duty performed in an emergent situation arising in the course of service or otherwise, but does not include an incident of violence;

(b) “Accounts Officer” means an officer, irrespective of his official designation, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union territory and includes an Accountant-General, who is entrusted with the functions of maintaining the accounts or part of accounts of the Central Government or Union territory;

(c) “disability” means a condition of a person resulting in long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(d) “disease” includes a disease as mentioned in Schedule- I;

(e) “Form” means a form appended to these rules;

(f) Fundamental Rules means the Fundamental Rules, which came into force with effect from the 1st January, 1922,

(g) “injury” includes an injury as mentioned in Schedule-II;

(h) “pay” means the basic pay as defined in sub-clause (i) of clause (a) of sub-rule (21) of rule 9 of the Fundamental Rules, which a Government servant was receiving,-

(i) in case of retirement or death, immediately before his retirement or on the date of his death; and

(ii) in case of retention in service in spite of disablement, on the date of injury or date of disease, as the case may be,

and shall also include stagnation increment and non-practising allowance granted to a medical officer in lieu of private practice.

(i) “Schedule” means a Schedule appended to these rules;

(j) “violence” means an act of a person or persons to inflict an injury on a Government servant by assaulting or obstructing or deterring or preventing him in the discharge of his duties,-

(i) by virtue of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such; or

(ii) by virtue of his official position,

and shall also include such acts which cause injury to the Government servant as a collateral victim due to his presence at the place of incident in connection with discharge of his official duty.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules or in the Central Civil Services (Pension) Rules, 2021 shall have the same meanings as respectively assigned to them in those rules.

**4. Conditions for grant of disability pension or family pension.-(1)A disability pension or family pension shall be granted under these rules, if there is a causal connection between,-**

(a) disablement of a Government servant and Government service; or

(b) death of a Government servant and Government service.

(2) The disablement shall be reckoned as due to the Government service, if it is certified that the same is due to wound, injury or disease, which,-

(a) is attributable to Government service; or

(b) existed before or arose during the Government service and has aggravated thereby.

(3) The death shall be reckoned as due to Government service if it is certified that the same was caused due to or hastened by, -

(a) a wound, injury or disease which was attributable to the Government service; or

(b) the aggravation of a wound, injury or disease, which existed before or arose during the Government service and such aggravation is attributable to the Government service.

(4) It shall not be necessary for the Government servant or the family to submit any application for grant of disability pension or family pension under these rules.

(5) It shall be the responsibility of the Head of Office to consider each case of death or disability due to injury or disease caused to a Government servant based on the findings of the Medical Board and to take necessary action to submit the case to the competent authority, within three months of the date of receipt of the report of the Medical Board, for a decision in regard to grant of disability pension or family pension under these rules:

Provided that the claim for disability pension or family pension under these rules shall not be rejected on account of any delay on the part of the Head of Office in submission of the case to the competent authority for a decision in regard to grant of disability pension or family pension under these rules.

(6) The disability pension shall consist of a service element and a disability element, which shall be determined in accordance with rule 10 of these rules.

(7) On death of a pensioner, who was in receipt of a disability pension, family pension shall be payable in accordance with sub-rule (2) of rule 11 of these rules.

**5. Authority for grant of disability pension or family pension.-(1)** The power to grant disability pension or family pension under these rules, in respect of a Government servant working in a Ministry or Department and the organisations or offices under it, shall be exercised by the Secretary of that Ministry or Department or by such other officer not below the rank of the Joint Secretary to the Government of India, to whom this power is delegated by the Secretary, in consultation with the Financial Adviser:

Provided that in respect of the Government servants working in an organisation or office under a Ministry or Department, the Secretary of the Ministry or Department, in consultation with the Financial Adviser, may delegate the power to grant disability pension or family pension under these rules to an officer not below the rank of the Joint Secretary to the Government of India of the said organisation or office.

(2) The officer to whom the power to grant disability pension or family pension is delegated under sub-rule (1) shall exercise the power subject to conditions, if any, as may be laid down by the Secretary of the Administrative Ministry or Department in consultation with the Financial Adviser.

(3) Each case for grant of family pension or disability pension under these rules shall be examined in accordance with the guidelines specified in Schedule – IV.

(4) The authority referred to in sub-rule (1), before allowing family pension or disability pension under these rules shall satisfy itself that the conditions specified in rule 4 for grant of family pension or disability pension are fulfilled and based on the medical report, the guidelines specified in Schedule –IV and the other relevant documents, the said authority shall certify that there exists a causal connection between disablement or death of the Government servant and the Government service and that the death or disability is attributable to or aggravated by the Government service.

**Note 1:** The guidelines specified in Schedule- IV are aimed to determine attributability of disablement or death to Government service:

Provided that, if based on the facts of a particular case, the authority is of the opinion that the disablement or death, though not strictly covered by the guidelines specified in Schedule–IV, is otherwise attributable to Government service, it may, for reasons to be recorded in writing, grant disability pension or family pension, as the case may be, in accordance with these rules.

**Note 2:** In the case of a Government servant who died in such circumstances that a medical report could not be secured, the competent authority may award a family pension under these rules, if it is otherwise satisfied that there exists a causal connection between death of the Government servant and Government service.

**6. Other conditions.-(1)** Where grant of family pension or disability pension or gratuity under these rules is made in respect of a period of service under the Government, no pension or family pension or gratuity under any other rules shall be payable for the said period of service, during the currency of the grant.

(2) The disability element of disability pension granted under these rules shall not be taken into account in fixing the pay of a pensioner on his re-employment in the Government service.

**7. Determination of percentage of disability.-(1)** The percentage of disability due to any disease or diseases specified in Schedule - I shall be as certified by the Medical Board.

(2) The percentage of disability due to any injury or injuries shall be as specified in Schedule - II, or failing that as certified by the Medical Board.

(3) The extent of disability or functional incapacity shall be determined in the manner as per the following Table for purposes of computing the disability element forming part of benefits, namely,-

**Table**

Sl. No.	Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element.
1	Up to 50	50
2	More than 50 and up to 75	75
3	More than 75 and up to 100	100

Provided that the above broad-banding shall not be applicable to Government servants who are retained in service.

**8. Findings of the Medical Board and Appeal.-(1) The findings of the Medical Board on the extent of disability may be treated as final and binding unless the Government servant or his family seeks a review by preferring an appeal to an authority immediately superior to the one who had constituted the Board.**

(2) An appeal against the decision of the Medical Board shall be preferred and considered in the following manner, namely:-

(i) the findings of the examining Medical Board shall be made known to the Government servant concerned or his family within one month after the receipt of the medical report by the Head of the Office or Department and the Government servant concerned shall, if he desires to appeal against such decision, can do so together with the requisite evidence in support of his case within one month from the date on which the findings of the Medical Board were made known to him;

(ii) where the Head of Office is satisfied that the Government servant himself is not in a position to submit the appeal under this clause on account of any bodily or mental infirmity or disablement, the Head of Office may allow the spouse of the Government servant or, in the absence of the spouse, the member of the family eligible to receive family pension on death of Government servant, to submit the said appeal and if there is no member of the family eligible to receive family pension on death of Government servant, a member of the family in whose favour a nomination was made by the Government servant for payment of gratuity, may be allowed to submit the said appeal;

(iii) if any medical certificate is produced by the Government servant or his family as a piece of evidence about the possibility of an error of judgment in the decision of an examining Medical Board which had examined him in the first instance, the certificate shall not be taken into consideration unless it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned had already been examined by a medical Board who have given their opinion as to the injury or disease, in respect of which the Government servant claims to be eligible for benefits under extraordinary circumstances;

(iv) where an appeal under clause (i) or clause (ii) is supported by a medical certificate referred to in clause (iii), a Review Medical Board shall be constituted by the concerned authority referred in rule 5 of these rules.

(v) in cases other than those referred to in clause (iv), the appeal shall, at first, be referred to the Directorate General of Health Services, Ministry of Health and Family Welfare along with the comments of the Medical Board, which had examined him in the first instance and the Directorate General of Health Services shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board which had first conducted the Medical examination and whether the appeal shall be accepted or not and if accepted, by whom such re-examination shall be conducted;

(vi) a Review Medical Board constituted under clause (iv) or clause (v) shall not include any member who was part of the Medical Board which had initially examined the Government servant and whose findings have been appealed against by the Government servant or his family;

(vii) where a Review Medical Board is constituted under clause (iv) or clause (v), the findings of the Review Medical Board shall be binding on all parties;

(viii) the extent of disability as determined by the Medical Board or the Review Medical Board, as the case may be, shall be treated as final and the Government servant shall not be required to appear before Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

**9. Classification of cases of death or disability.-(1) The cases of death or disability shall be classified in the following distinct categories, on the basis of the circumstances in which death or disability takes place, namely:-**

**(A) Category 'A'. -** The death or disability due to natural causes not attributable to Government service and there is no causal connection between the death or disablement of the Government servant and the Government service.

**(B) Category 'B'. -** The death or disability due to following causes, which are accepted as attributable to or aggravated by Government service, namely:-

(i) diseases contracted, - (a) because of continued exposure to a hostile work environment; or (b) on being subjected to occupational hazards or extreme weather conditions, resulting in death or disability; or

(ii) accidents caused while on duty, not covered under Category 'C' or Category 'D'.

**(C) Category 'C'. -** the death or disability, -

(i) attributable to acts of violence by terrorists, extremists, anti-social elements, etc. at public places and not specifically targeted against the Government servant, including bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc., whether in the performance of duty or otherwise;

- (ii) attributable to act of violence or attack by a fellow Government servant;
- (iii) due to riots or revolt by demonstrators or public servants, causing injuries to other Government servants who are employed in aid of the civil administration for quelling agitation;
- (iv) occurring while on duty in specified high altitude, inaccessible duty posts, etc. on account of natural disaster, extreme weather condition such as avalanche, snow storm, blizzards, flash floods or cloud burst or landslide, thunderstorm, lightning, extreme heat, sand storms in desert areas, etc.;
- (v) occurring during rescue operations, e.g. fire-fighting, floods, storms, etc.

**(D) Category 'D'.- the death or disability arising as a result of,-**

- (i) attack targeted against the Government servant by terrorists, extremists, anti-social elements, etc.;
- (ii) action against terrorists, extremists, anti-social element, etc;
- (iii) enemy action in international war or border skirmishes and warlike situations;
- (iv) operation to evacuate Indian nationals from a war-torn foreign country;
- (v) extremists acts, exploding of mines, etc., while on the way to an operational area or on return therefrom, kidnapping by extremists, training exercises with live ammunition, simulation drills such as real battle-like conditions created for war training exercises, rehearsals, etc.

(2)(i) The illustrative list of circumstances in which death or disability of a Government servant is to be reckoned as attributable to Government service for grant of Extraordinary Family Pension or Disability Pension of cases falling under Category 'B', Category 'C' and Category 'D' shall be as referred at Schedule III.

(ii) The list in Schedule - III is illustrative and the cases of death or disability, though not covered by the list in Schedule - III, but otherwise fulfilling the conditions for grant of disability pension or family pension under these rules shall be decided on the basis of the circumstances in which death or disability took place.

(3) The pension and family pension on disability or death of a Government servant under Category 'A' in sub-rule (1) shall be granted in accordance with the provisions of the Central Civil Services (Pension) Rules, 2021 and the pension and family pension on disability or death of a Government servant under Category 'B', Category 'C' and Category 'D' in sub-rule (1) shall be granted in accordance with the provisions of these rules.

**10. Amount of Disability Pension and Retirement Gratuity.-(1)** Where a Government servant is boarded out on account of a disablement in Category 'B', Category 'C' or Category 'D', he shall be awarded disability pension in accordance with the percentage of disability determined under rule 7.

(2) (i) The Disability Pension on discharge under Category 'B', Category 'C' and Category 'D' shall comprise a service element and a disability element and the service element in all categories shall be equal to the normal pension at the rate of fifty per cent of the emoluments or average emoluments, whichever is beneficial to the Government servant and the rates of disability element for each category shall be as specified in sub-rule (3).

(ii) There shall be no condition of minimum qualifying service having been actually rendered for earning service element or disability element of disability pension under Category 'B', Category 'C' and Category 'D', if otherwise due and the service element of disability pension shall be payable even in cases where the qualifying service is less than ten years but no service gratuity shall be admissible in such cases.

(iii) The amount of disability pension under this rule shall not be less than eighteen thousand rupees per month.

(iv) The emoluments and average emoluments for disability pension and retirement gratuity under these rules shall be determined in accordance with rule 31 and rule 32, respectively, of the Central Civil Service (Pension) Rules, 2021.

(3)(i) The amount of Disability Pension and retirement gratuity payable on discharge to a Government servant under Category 'B' shall be as under-

(a) for hundred percent disability, the Disability Pension shall comprise a service element referred to in sub-rule (2) plus a disability element at the rate of thirty per cent of the emoluments or average emoluments, whichever is beneficial to the Government servant and for lower percentage of disability, the disability element of the disability pension shall be proportionately lower.

(b) the retirement gratuity shall be admissible in accordance with rule 45 of the Central Civil Services (Pension) Rules, 2021 on the basis of the emoluments and qualifying service as on the date of discharge.

(ii) The amount of Disability Pension and retirement gratuity payable on discharge to a Government servant under Category 'C' shall be as under-

- (a) for hundred per cent Disability, the disability Pension shall comprise a service element referred to in sub-rule (2) plus a disability element at the rate of thirty percent of the emoluments or average emoluments, whichever is beneficial to the Government servant and for lower percentage of disability, the disability element of the monthly disability pension shall be proportionately lower.
- (b) the retirement gratuity shall be as admissible in accordance with rule 45 of the Central Civil Services (Pension) Rules, 2021, which the Government servant would have been entitled to on the basis of his emoluments on the date of discharge but counting qualifying service up to the date on which he would have retired on superannuation in the normal course.
- (iii) The amount of Disability Pension and retirement gratuity payable on discharge to a Government servant under Category 'D' shall be as under-
- (a) for hundred percent disability, the Disability Pension shall comprise a service element referred to in sub-rule (2) plus a disability element at the rate of hundred percent of the emoluments or average emoluments, whichever is beneficial to the Government servant and for lower percentage of disability, the disability element of the monthly disability pension shall be proportionately lower.
- (b) the Retirement gratuity shall be admissible in accordance with rule 45 of the Central Civil Services (Pension) Rules, 2021 which the Government servant would have been entitled to on the basis of his emoluments on the date of discharge but counting qualifying service up to the date on which he would have retired on superannuation in the normal course.
- (4) The additional quantum of pension admissible to pensioners aged eighty years and above under sub-rule (6) of rule 44 of the Central Civil Services (Pension) Rules, 2021 shall also be admissible on the disability pension granted under these rules.
- (5)(a) If the Government servant is retained in service in spite of a disablement on account of an injury or disease, he shall be paid compensation in lump sum in lieu of the disability element of disability pension by arriving at the capitalised value of such disability element with reference to the commutation table in force from time to time:

Provided that the broad-banding as provided in sub-rule (3) of rule 7 of these rules shall not be applicable in such cases.

- (b) Service element of disability pension shall not be taken into account for determining the amount of the lump sum compensation.

**Illustration.-** The amount of lump sum compensation in lieu of disability pension in the case of a Government servant, who has completed the age of 40 years and was drawing a basic pay of Rs 30,000/- per month on the date of injury or date of disease, as the case may be, and who is retained in Government service in spite of a disability of 40% in Category 'B', shall be as under-

$$\begin{aligned} & \text{Rs. } 30,000 \times 30/100 \text{ (Disability element of disability pension)} \times 40/100 \text{ (Percentage of disability)} \\ & \times 9.075 \text{ (Commutation factor for age of 41 years on next birthday)} \times 12 \text{ (Number of months in a} \\ & \text{year)} = \text{Rs. } 3,92,040/- \end{aligned}$$

- (6) For the purpose of sub-rule (5), 'date of injury' shall be the actual date on which the injury is suffered in an accident or violence or such other date, as the authority competent to grant disability pension or family pension under rule 5, may fix and 'date of disease' shall be the date, as the authority competent to grant disability pension or family pension under rule 5, may fix with due regard to the opinion of the Medical Board:

Provided that the date of injury so fixed shall not be later than the date of the report of the Medical Board and the date of disease so fixed shall not be later than the date of the report of the Medical Board.

- (7) In the case of a pensioner, who is eligible for disability pension for hundred percent disability under these rules and in whose case, based on the condition of the accepted disability or disabilities, the medical board is of the opinion that the pensioner is completely dependent on others for day to day activities and needs the services of a constant attendant, the Constant Attendant Allowance shall be granted to him at the rate decided by the Government from time to time and the Constant Attendant Allowance shall be payable, for life, in addition to the monthly disability pension but no dearness relief shall be admissible on the Constant Attendant Allowance.

#### **11. Amount of Family Pension.-(1)** Subject to the provisions of rule 12 of these rules, -

- (a) the amount of Family Pension payable on death of a Government servant under Category 'B' shall be sixty per cent of the pay, and
- (b) the amount of Family Pension payable on death of a Government servant under Category 'C' and Category 'D' shall be equal to hundred per cent of the pay.



(2) On death of a pensioner, who was in receipt of a disability pension under these rules, the family shall be entitled to a family pension in accordance with rule 50 of the Central Civil Services (Pension) Rules, 2021:

Provided that in cases where the pensioner dies within seven years after having been boarded out on account of the same injury or disease which resulted in his disablement, the family shall be entitled to a family pension under these rules, as admissible on death of a Government servant,-

- (i) in the same category under which the disability pension was granted; and
- (ii) at the rate which would have been admissible if the Government servant had died during service due to the injury or disease which resulted in his disablement.

**Note:** The question whether or not the death of a pensioner is on account of the same injury or disease which resulted in his disablement, shall be decided by a Medical Board to be constituted by the authority competent to grant family pension under rule 5 of these rules.

(3) The pay for family pension under this rule shall be determined in the same manner as in the case of family pension under rule 50 of the Central Civil Service (Pension) Rules, 2021.

(4) The amount of family pension under this rule shall not be less than eighteen thousand rupees per month.

**12. Eligibility of members of the family for grant of family pension.-(1)** The family pension under these rules shall be payable to the members of the family of the deceased Government servant in the following order of precedence, namely:-

- (i) subject to provisions of sub- rule (3), widow or widower;
- (ii) subject to provisions of sub-rule (4), dependent children including adopted children and step children;
- (iii) subject to provisions of sub-rule (5), parents including adoptive parents;
- (iv) subject to provisions of sub-rule (6), dependent siblings; brothers or sisters.

**Explanation 1.** - The words 'widow' and 'widower', wherever occurring in this rule shall mean the legally wedded spouse of the deceased Government servant.

**Explanation 2.-** The term 'Government servant' in this rule shall include a pensioner, who was in receipt of a disability pension under these rules, and on whose death the family is entitled to a family pension in accordance with proviso to sub-rule (2) of rule 11 of these rules.

(2) (a) Except as provided in proviso to clause (c), clause (d), clause (e) and clause (f) of sub-rule (3), clause (g) and to sub-clause (iii) of clause (h) of sub-rule (4), the family pension under these rules shall not be payable to more than one member of the family of the deceased Government servant at the same time.

(b) Where the family pension is payable to more than one member of the family at the same time, if the share of the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(3)(a) Subject to the provisions of clause (b), if the deceased Government servant is survived by a widow or widower, the family pension at the rate specified in rule 11 of these rules shall be payable under Category 'B' or Category 'C' or Category 'D', as the case may be, to such widow or widower up to the date of death or remarriage, whichever is earlier and on death or remarriage of the widow or widower, the family pension shall be payable in accordance with clause (b) and sub-rule (4), sub-rule (5) and sub-rule (6).

**Explanation.-** The eligibility of widow or widower for family pension shall not be affected by the amount of her or his income from any other source.

(b) (i) Where widow of a deceased Government servant re-marries a brother of her deceased husband and continues to live a communal life with, or contributes to the support of the other dependants of the deceased, the family pension shall continue to be payable to her.

(ii) Where in a case not covered by sub-clause (i), a deceased Government servant is survived by a childless widow, on re-marriage by the said childless widow, the family pension shall continue to be payable to her, if her income from all other sources is less than the amount of minimum family pension under sub-rule (4) of rule 11 of these rules and the dearness relief admissible thereon:

Provided that if, after re-marriage, income of childless widow from all other sources becomes equal to or exceeds the amount of minimum family pension under sub-rule (4) of rule 11 of these rules and the dearness relief admissible thereon, family pension shall be stopped and shall become payable to the other eligible member of the family, if any, of the deceased Government servant in accordance with this rule.

(iii) Where in a case not covered by sub-clause (i) or sub-clause (ii), a deceased Government servant is survived by a widow who is eligible for family pension under Category 'C' or Category 'D', on re-marriage of the

widow, from the date following the date of her remarriage, the family pension shall be payable to the widow at the rate of family pension and subject to the conditions specified in rule 50 of the Central Civil Service (Pension) Rules, 2021 and the family pension, in such a case, shall also be payable to other eligible member of the family, if any, in accordance with sub-rule (4) or sub-rule (5) or sub-rule (6) and on death of the widow after remarriage, the family pension payable to her shall not be payable to any other member of the family.

(c) Where the deceased Government servant is survived by more widows than one, the family pension shall be paid to the widows in equal shares and on the death or ineligibility of a widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall become payable to her child or children who fulfil the eligibility conditions specified in sub-rule (4).

(d) In case, the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

(e) (i) Where the deceased Government servant is survived by a widow without any child eligible for family pension but has left behind eligible child or children from another wife who is not alive, the child or children who fulfil the eligibility conditions mentioned in sub-rule (4) shall be entitled to hundred per cent of the share under Category 'B' or sixty per cent of the share under Category 'C' or Category 'D', which the mother would have received if she had been alive at the time of the death of the Government servant.

(ii) On the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows or to other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one widow or child, in full, to such widow or child.

(iii) On the share or shares of family pension payable to a widow or widows ceasing to be payable, such share or shares shall not lapse, but hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall be payable to the other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one child, in full, to such child:

Provided that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on death of the widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D' shall be payable to her child or children in accordance with sub-rule (4):

Provided further that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable on account of re-marriage, her share of the family pension under Category B shall be payable to her child or children in accordance with sub-rule (4).

(f) (i) Where the deceased Government servant is survived by a widow without any child eligible for family pension but has left behind eligible child or children from a divorced wife or wives, the child or children who fulfil the eligibility conditions mentioned in sub-rule (9) shall be entitled to hundred per cent of the share under Category 'B' or sixty per cent of the share under Category 'C' or Category 'D', which the mother would have received at the time of the death of the Government servant had she not been so divorced.

(ii) On the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one widow or child, in full, to such widow or child.

(iii) On the share or shares of family pension payable to a widow or widows ceasing to be payable, such share or shares shall not lapse, but hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall be payable to the other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one child, in full, to such child:

Provided that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on death of the widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D' shall be payable to her child or children in accordance with sub-rule (4):

Provided further that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable on account of re-marriage, her share of the family pension under Category 'B' shall be payable to her child or children in accordance with sub-rule (4).

(g) (i) Where the deceased Government servant is survived by a widow without any child eligible for family pension but has left behind eligible child or children from a void or voidable marriage, the child or children from the void or voidable marriage who fulfil the eligibility conditions mentioned in sub-rule (4) shall be entitled to hundred per cent of the share under Category 'B' or sixty per cent of the share under Category 'C' or Category 'D', which the mother would have received at the time of the death of the Government servant had the marriage not been void or voidable.

(ii) On the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows or to other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one widow or child, in full, to such widow or child.

(iii) On the share or shares of family pension payable to a widow or widows ceasing to be payable, such share or shares shall not lapse, but hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall be payable to the other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one child, in full, to such child:

Provided that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on death of the widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D' shall be payable to her child or children in accordance with sub-rule (4):

Provided further that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable on account of re-marriage, her share of the family pension under Category B shall be payable to her child or children in accordance with sub-rule (4).

(h) Where a Government servant dies leaving behind a judicially separated widow or widower and no child or children, the family pension in respect of the deceased shall be payable to the person surviving.

(i) Where a Government servant dies leaving behind a judicially separated widow or widower with a minor child or children or a child or children suffering from disorder or disability of mind including the mentally retarded, hundred per cent of the share of the family pension under Category 'B' or sixty per cent of the share of the family pension under Category 'C' or Category 'D' in respect of deceased shall be payable to the surviving person provided he or she is the guardian of such child or children and if the surviving person ceases to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children:

Provided that where the minor child, after attaining the age of majority, remains eligible for family pension, the family pension shall become payable to such child from the date on which he attains the age of majority and after the child ceases to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

(j) Where a Government servant dies leaving behind a judicially separated widow or widower with a child who has attained the age of majority but is eligible for family pension, hundred per cent of the family pension under Category 'B' or sixty per cent of the family pension under Category 'C' or Category 'D', shall become payable to such child after the death of the Government servant. After the child or children cease to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

(k) It shall be the duty of a childless widow after her re-marriage to furnish a certificate to the Pension Disbursing Authority once in a year that her income from all other sources is less than the amount of minimum family pension under sub-rule (4) of rule 11 of these rules and the dearness relief admissible thereon.

(4)(a) If the deceased Government servant is not survived by a widow or widower or if the widow or widower dies or remarries, hundred per cent of the family pension under Category 'B' or sixty per cent of the family pension under Category 'C' or Category 'D', as the case may be, shall be payable to the child or children who fulfil the following conditions, namely:-

- (i) in the case of a son (including adopted son and step son), other than a son suffering from a mental or physical disability—unmarried, below the age of twenty five years and not earning his livelihood;
- (ii) in the case of a daughter (including adopted daughter and step daughter) other than a daughter suffering from a mental or physical disability—unmarried or widowed or divorced and not earning her livelihood;
- (iii) in the case of a son or a daughter suffering from a mental or physical disability (including adopted son or daughter and step son or daughter)—not earning his or her livelihood;

(b) A son or a daughter, other than a son or a daughter suffering from a mental or physical disability, shall be deemed to be not earning his or her livelihood if his or her income from sources other than family pension is less than the minimum family pension under rule 11 of these rules and the dearness relief admissible thereon.

(c) A son or a daughter suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood if his or her overall income from sources other than family pension is less than the entitled family pension and the dearness relief admissible thereon, payable on death of the Government servant concerned.

(d) Where a deceased Government servant leaves behind more children than one, family pension shall first be payable to children below the age of twenty-five years, who fulfil the eligibility conditions for grant of family pension, in the order of their birth.

(e) The elder child shall be entitled to the family pension till he or she has attained the age of twenty-five years or has got married or remarried or has started earning his or her livelihood, whichever is the earliest and the younger of the children will be eligible for family pension after the elder next above him or her has attained the age of twenty-five years or has got married or remarried or has started earning his or her livelihood or has died.

(f) Where family pension is granted under this rule to a minor, it shall be payable to the minor through the guardian.

(g) Where the family pension is payable to twin children it shall be paid to such children in equal shares and when one such child ceases to be eligible, his or her share shall revert to the other child and when both of them cease to be eligible, the family pension shall be payable to the next eligible single child or twin children.

(h) Where a deceased Government servant is not survived by a son or daughter below the age of twenty-five years and eligible for family pension or where such son or daughter has died or has ceased to be eligible for family pension, the family pension shall be payable for life to a son or daughter who is suffering from any disorder or disability of mind including the mentally retarded or is physically disabled or suffering from any other disability referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016) so as to render him or her unable to earn a living even after attaining the age of twenty-five years, subject to the following conditions, namely:-

(i) the disability existed before the death of either the Government servant or spouse;

(ii) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the children below the age of twenty-five years in the order specified in clause (d) until the last child attains the age of twenty five years and thereafter the family pension shall be resumed in favour of the son or daughter suffering from a disability referred to in clause (h) and shall be payable to him or her, for life;

(iii) if there are more than one such children suffering from a disability referred to in clause (h), the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him or her ceases to be eligible or dies:

Provided that where the family pension is payable to such twin children it shall be paid in the manner as specified in clause (g);

(iv) the family pension shall be paid to a son or daughter, who is suffering from any disorder or disability of mind including the mentally retarded, through the guardian as if he or she were a minor except in the case of the physically disabled son or daughter who has attained the age of majority:

Provided that in the case of a mentally retarded son or daughter, the family pension shall also be payable to a person nominated by the Government servant, and in case no such nomination has been furnished to the Head of Office by such Government servant during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on and the Guardianship Certificate issued under section 14 of the National Trust Act, 1999 (44 of 1999), by a local level Committee, shall also be accepted for nomination for appointment of guardian for grant of family pension in respect of the person suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act;

(v) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy itself that the disability is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration in this regard; or

(B) a three-member Medical Board comprising of, (a) a Medical Superintendent, or a Principal or a Director or a Head of the Institution or their nominee as chairman; and (b) two other members, out of which at least one shall be a specialist in the particular area of disability, setting out, as far as possible, the exact mental or physical condition of the child.

(vi) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce a certificate, from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration in this regard; or

(B) a three-member Medical Board comprising of, (a) a Medical Superintendent, or a Principal or a Director or a Head of the Institution or their nominee as chairman; and (b) two other members, out of which at least one shall be a specialist in the particular area of disability, setting out, as far as possible, the exact mental or physical condition of the child, once only, if the disability is permanent and every five years if the disability is temporary, to the effect that he or she continues to suffer from a disability referred to in clause (h).

(i) The marriage by a child who is suffering from a disability referred to in clause (h) shall not render him or her ineligible for family pension under this sub-rule.

(j) Where a deceased Government servant is not survived by a son or daughter eligible for family pension under clause (d) or clause (h) or if a son or daughter eligible for family pension under clause (d) or clause (h) dies or ceases to fulfil the eligibility conditions for family pension prescribed in those clauses, the family pension shall be granted or continued to be payable to an unmarried or widowed or divorced daughter beyond the age of twenty-five years for life or until she gets married or re-married or until she starts earning her livelihood, whichever is the earliest subject to the following conditions, namely:-

(i) the family pension shall be initially payable to the children in the order specified in clause (d) until the last child attains the age of twenty-five years;

(ii) there is no disabled child eligible to receive family pension in accordance with clause (e);

(iii) the unmarried or widowed or divorced daughter was dependant on her parent or parents when he or she or they were alive;

(iv) where a deceased Government servant leaves behind more than one unmarried or widowed or divorced daughter beyond the age of twenty-five years, family pension shall first be payable to such daughter, who fulfil the eligibility conditions for grant of family pension under this sub-rule, in the order of their birth;

(v) The elder daughter shall be entitled to the family pension till she has got married or remarried or has started earning her livelihood, whichever is earlier and the younger of the daughters will be eligible for family pension after the elder next above her has got married or remarried or has started earning his or her livelihood or has died;

(vi) in the case of widowed daughter, death of her husband and in the case of divorced daughter, her divorce took place during the lifetime of the Government servant or his or her spouse:

Provided that the family pension shall be payable to a divorced daughter from the date of divorce if the divorce proceedings were filed in a competent court during the life time of the Government servant or his or her spouse but the divorce took place after their death:

Provided further that if, consequent on the death of the Government servant and his or her spouse, the family pension to any other eligible member of the family has become payable before the date of divorce of daughter, the family pension to such divorced daughter shall not commence before the aforesaid member of the family ceases to be eligible for family pension or dies.

(k) Where a deceased Government servant leaves behind children from more than one widow or from a widow and a divorced wife or from a widow or a divorced wife and void or voidable marriage, the child or children who fulfil the eligibility conditions mentioned in this sub-rule shall be entitled to hundred per cent of the share of family pension under Category 'B' or sixty per cent of the share of family pension under Category 'C' or Category 'D', which their mother would have received at the time of the death of the Government servant if she had been alive or if she had not been so divorced or if the marriage had not been void or voidable, as the case may be.

(l) Where there are more than one child from a widow or a divorced wife or void or voidable marriage, the share of family pension to such children shall be payable in the manner specified in this sub-rule.

(m) Where the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the child or children from other widow or divorced wife or void or voidable marriage, otherwise eligible, in equal shares, or if there is only one child, in full, to such child;

**Explanation.-** The expressions 'son' or 'daughter' shall include a posthumous son or posthumous daughter, respectively;

(n) An unmarried son or an unmarried or widowed or divorced daughter, except a disabled son or daughter, shall become ineligible for family pension from the date he or she gets married or remarried.

(o) The family pension payable to a son or a daughter shall be stopped if he or she starts earning his or her livelihood.

(p) It shall be the duty of son or daughter or the guardian to furnish a certificate to the Pension Disbursing Authority once in a year that,-

(i) he or she has not started earning his or her livelihood; and

(ii) he or she has not yet married or remarried and a similar certificate shall be furnished by the son or daughter suffering from a mental or physical disability to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

(5)(a) Where a deceased Government servant is not survived by a widow or widower or a child eligible for family pension or if the widow or widower and all children cease to be eligible for family pension, family pension shall be payable to parents for life-

(i) under Category 'B', at the rate of fifty per cent of the family pension entitled to a widow, subject to the conditions that the parents were dependent on the Government servant at the time of his or her death and the amount of family pension shall not be less than the amount of family pension admissible in accordance with rule 50 of the Central Civil Services (Pension) Rules, 2021; and

(ii) under Category 'C' and Category 'D', at the rate of seventy five per cent of the family pension entitled to a widow if both parents are alive and at the rate of sixty per cent of the family pension entitled to a widow if only one parent is alive.

**Explanation 1.-** Parents shall be deemed to be dependent on the Government servant if their combined income is less than the minimum family pension under rule 11 and the dearness relief admissible thereon.

**Explanation 2.-** Payment of family pension to parents in Category 'C' & Category 'D' shall be without reference to the amount of their income from other sources.

(b) The family pension, wherever admissible to parents will be payable to the mother of the deceased Government servant failing which to the father of the deceased Government servant.

(c) It shall be the duty of parents in receipt of family pension under Category 'B' to furnish a certificate to the Pension Disbursing Authority once in a year that they have not started earning their livelihood and the family pension payable to parents shall be stopped if they start earning their livelihood.

(6) (a) Where a deceased Government servant is not survived by a widow or widower or a child or parents eligible for family pension or if the widow or widower or children or parents of the Government servant cease to be eligible for family pension, the family pension equal to fifty percent of the rate specified in sub-rule (1) or sub-rule (2) of rule 11 of these rules, as the case may be, shall be payable to the dependent sibling of the deceased Government servant till he or she attains the age of twenty five years or gets married, whichever is earlier.

(b) Where the dependent sibling ceases to be eligible for family pension or where there is no dependent sibling below the age of twenty five years eligible for family pension but the Government servant is survived by a dependant sibling who is suffering from a mental or physical disability, family pension equal to fifty percent of the rate specified in clause (a) shall be payable for life to such disabled sibling, if such sibling was wholly dependent upon the Government servant immediately before his or her death:

Provided that the amount of family pension under this sub-rule shall not be less than the amount of family pension admissible in accordance with rule 50 of the Central Civil Services (Pension) Rules, 2021 to a dependant sibling who is suffering from a mental or physical disability:

Provided further that a sibling who is suffering from a mental or physical disability shall be eligible for family pension for life in the same manner and subject to same eligibility conditions and following the same disability criteria, as laid down in clause (e) and clause (f) of sub-rule (4) in the case of son or daughter of a Government servant suffering from any disability referred to in clause (e), so as to render him or her unable to earn a livelihood even after attaining the age of twenty-five years:

Provided also that the family pension to the sibling who is suffering from a mental or physical disability shall be payable if the disability existed before the death of the Government servant.

**Explanation 1.-** A sibling below the age of 25 years shall be deemed to be earning his or her livelihood and shall not be deemed to be dependent on the Government servant if his or her income from other sources is equal to or more than the minimum family pension under rule 11 and the dearness relief admissible thereon.

**Explanation 2.-** The family pension payable to a sibling below the age of 25 years shall be stopped if he or she starts earning his or her livelihood and it shall be the duty of such a sibling to furnish a declaration to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

**Explanation 3.-** The income criteria as applicable in the case of a child suffering from a mental or physical disability under sub-rule (4) shall also be applicable for determining the eligibility for family pension of a sibling suffering from a mental or physical disability.

**Explanation 4.-** It shall be the duty of a sibling below the age of twenty five years or a sibling suffering from a mental or physical disability or the guardian to furnish a declaration to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

(7)(a) The family pension admissible to a person consequent on death of another Government servant shall not be considered as income for the purpose of determination of eligibility for a family pension under this rule consequent on death of another Government servant.

(b) In case both the wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased Government servant shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents.

**Note.-** In order to decide the eligibility for family pension under this rule, a member of the family, other than the widow or widower and parents of the deceased Government servant, shall be required to submit, along with the claim for family pension, a copy of the last Income Tax Return filed by the said member of the family with the Income Tax Department and in case the said member of the family informs that he or she has not filed the Income Tax Return with the Income Tax Department, he or she shall submit a certificate of income from a sub-divisional magistrate. In case the member of the family is not able to submit either a copy of the Income Tax Return or a certificate of income from a sub-divisional magistrate, the Head of Office may rely on any other document produced by the said member of the family in support of his or her claim regarding income and decide the eligibility of the said member of the family for family pension accordingly.

**13. Processing of cases of disability pension and family pension in the online pension sanctioning system.-(1)**

Unless otherwise exempted by a general or special order of the Government, the case for grant of disability pension or family pension under these rules shall be processed through 'Bhavishya', an online system for sanction of retirement benefits and tracking of sanction and payment of pension by the Government servant and the authorities concerned with sanction of pension to the Government servant.

(2) (a) In the case of a department or office or person exempted from the purview of Bhavishya in accordance with sub-rule (1), the details or documents in respect of the person due to retire shall be transmitted in physical mode and his pension or family pension case shall be processed manually.

(b) In a case or cases where a particular action or activity cannot be performed under Bhavishya, such action or activity shall be performed manually.

**14. Procedure for sanction of disability pension.-(1)** On receipt of a statement of circumstances in which the disablement of a Government servant occurred due to an injury or disease, the findings of the Inquiring authority, if any, and the report of the Medical Board, the Head of office shall submit the same to the competent authority under rule 5 of these rules, for a decision in regard to grant of disability pension to the Government servant under these rules.

(2) Where the competent authority under rule 5 of these rules decides that the Government servant is not mentally or physically fit to be retained in service and, on being boarded out, is entitled to a disability pension, he may be granted disability pension and retirement gratuity in accordance with these rules:

Provided that in the case of a Government servant to whom the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, action shall be taken in accordance with clause (a), clause (b) and clause (d) of sub-rule (2) of rule 2 of these rules:

Provided further that where the competent authority decides that the Government servant may be retained in service in spite of the disablement, he shall be paid compensation in lump sum in lieu of the disability element of disability pension in accordance with sub-rule (5) of rule 10 of these rules.

(3) As soon as a decision is taken to grant disability pension and retirement gratuity under these rules, the Government servant shall be informed of the decision advising him to submit the details in Form E-1 along with the other forms for processing of a Central Civil Services (Pension) Rules, 2021 pension case required under the Central Civil Services (Pension) Rules, 2021.

(4) It shall be the duty of the Head of Office to ascertain and assess Government dues and for this propose he shall follow the procedure laid down in rules 67, 68 and 69 of the Central Civil Services (Pension) Rules, 2021.

(5) On receipt of forms, referred to in sub-rule (3), from the Government servant, the Head of Office shall complete Part I of Form E-2 along with the check list and the pension calculation sheet and forward the disability pension case to the Accounts Officer, not later than two months from the date of receipt of the said Forms and the Head of Office shall also send to the Accounts Officer-

- (i) forms submitted by the Government servant and referred to in sub-rule (3);
- (ii) Form E-2 (including the check list and the pension calculation sheet) with a covering letter in Form E-3, and
- (iii) duly completed and up-to-date service book of the Government servant along with any other documents relied upon for the verification of service.

(6) The particulars of the Government dues ascertained and assessed by the Head of Office in accordance with the Central Civil Services (Pension) Rules, 2021 shall also be furnished to the Accounts Officer in Form E-3 so that the Government dues, if any, are recovered out of the retirement gratuity before its payment is authorised.

(7) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (5) and sub-rule (6) for his records.

(8) (a) On receipt of pension case and pension papers referred to in sub-rule (5) and sub-rule (6), the Accounts Officer shall apply the requisite checks, record the account encasement in Part II of Form E-2 and assess the amount of disability pension, family pension and retirement gratuity and issue the pension payment order not later than one month after receipt of the pension case from the Head of Office.

(9) (a) Notwithstanding anything contained in this rule, where a Government servant has been boarded out on account of disablement but a final decision in regard to the eligibility of the Government servant for grant of disability pension under these rules has not been taken or where a decision in regard to grant of disability pension under these rules has been taken but it is likely to take some time before an authorisation for grant of disability pension is issued to him, pension may be authorised in accordance with Central Civil Services (Pension) Rules, 2021 and the Head of Office shall also sanction provisional pension and provisional gratuity, as admissible in accordance with rule 62 of the Central Civil Services (Pension) Rules, 2021.

(b) If, subsequently, a decision is taken in regard to the eligibility of the Government servant for grant of disability pension under these rules, the Head of Office shall take further action for authorisation of pension accordingly in Form E-4.

(c) The provisional pension or pension sanctioned under clause (a) shall continue to be paid to the Government servant until a decision in regard to grant of disability pension is taken by the competent authority and an authorisation or revised authority for grant of the disability pension under these rules is issued.

(d) The amount of pension and retirement gratuity sanctioned under clause (a) shall be adjusted from the final pension and final retirement gratuity.

(10) In respect of matters of procedure for grant of disability pension and retirement gratuity under these rules shall be subject to the rules relating to grant of pension and retirement gratuity under the Central Civil Services (Pension) Rules, 2021, to the extent such rules are applicable and are not inconsistent with these rules.

**15. Procedure for sanction of family pension.-(1)** On receipt of a statement of circumstances in which the death of a Government servant occurred due to an injury or disease, the findings of the Inquiring authority, if any, and the report of the Medical Board, the Head of office shall submit the same to the competent authority under rule 5 of these rules, for a decision on the question of grant of family pension to the family of the Government servant under these rules.

(2) As soon as a decision is taken to grant family pension under these rules, the member or members of the family of the Government servant, who is or are eligible for family pension and death gratuity under these rules, shall be informed of the decision advising him or her or them to submit the required details in Form E-5 along with the other Forms required for processing the case for grant of family pension and death gratuity under the Central Civil Services (Pension) Rules, 2021.



(3) The Head of Office shall draw the attention of the Accounts Officer to the details of Government dues outstanding against the deceased Government servant in accordance with the sub-rule (4) of rule 74 and rule 77 of the Central Civil Services (Pension) Rule, 2021.

(4) On receipt of Forms, referred to in sub-rule (2), from the family of the Government servant, the Head of Office shall complete Part I of Form E-6 along with the check list and forward the case for grant of family pension and death gratuity under these rules to the Accounts Officer, not later than two months from the date of receipt of the said Forms and the Head of Office shall also send to the Accounts Officer-

(i) forms submitted by the member or members of the family and referred to in sub-rule (2) along with all the documents in support of the claim for family pension and death gratuity;

**(ii) Form E-6 (including the check list); and**

(iii) duly completed and up-to-date service book of the Government servant along with any other documents relied upon for the verification of service.

(5) The particulars of the Government dues ascertained and assessed by the Head of Office in accordance with the Central Civil Services (Pension) Rules, 2021 shall also be furnished to the Accounts Officer in Form E-3 so that the Government dues, if any, are recovered out of the death gratuity before its payment is authorised.

(6) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (4) and sub-rule (5) for his records.

(7) On receipt of family pension case and the documents referred to in sub-rule (4) and sub-rule (5), the Accounts Officer shall apply the requisite checks, record the account encasement in Section 1 of Part II of Form E-6, assess the amount of family pension and death gratuity and issue the pension payment order not later than two months after receipt of the family pension case from the Head of Office.

(8) (a) Notwithstanding anything contained in this rule, where on death of a Government servant, a final decision in regard to grant of family pension under these rules has not been taken or where a decision in regard to grant of family pension under these rules has been taken but it is likely to take some time before an authorisation for grant of family pension is issued to him, family pension may be authorised in accordance with Central Civil Services (Pension) Rules, 2021 and the Head of Office shall also sanction provisional family pension and provisional gratuity, as admissible under and in accordance with rule 75 of the Central Civil Services (Pension) Rules, 2021.

(b) If, subsequently, a decision is taken in regard to grant of family pension under these rules, the Head of Office shall take further action for authorisation of family pension accordingly in Form E-7.

(c) The provisional family pension or family pension sanctioned under clause (a) shall continue to be paid until a decision in regard to grant of family pension is taken by the competent authority and an authorisation or revised authority for grant of the family pension under these rules is issued.

(d) The amount of family pension and death gratuity sanctioned under clause (a) shall be adjusted from the final family pension and final death gratuity.

(9) In respect of matters of procedure for grant of family pension and death gratuity under these rules shall be subject to any rules relating to grant of family pension and death gratuity under the Central Civil Services (Pension) Rules, 2021, to the extent that such rules are applicable and are not inconsistent with these rules.

(10) If eligibility of a member of family concerning family pension is not covered under these rules but is covered under Central Civil Services (Pension) Rules, 2021, the Central Civil Services (Pension) Rules, 2021 shall be applicable, provided they are not repugnant to or inconsistent with the provisions of these rules.

**16. Timely processing and sanction of disability pension and family pension.-(1)** The Head of Department shall ensure that all cases for grant of disability pension and family pension under these rules shall be processed in accordance with the timelines specified in rule 14 and rule 15 of these rules and provisional pension or provisional family pension, as the case may be, is sanctioned and paid pending authorisation of final pension or family pension.

(2) In all cases where provisional pension or provisional family pension or provisional gratuity has not been sanctioned in accordance with these rules or where the payment of disability pension or family pension or gratuity has been authorised later than the date when its payment becomes due and it is clearly established that the delay in payment was attributable to administrative reasons or lapses, interest shall be paid on arrears of pension or family pension or gratuity and responsibility shall be fixed for the delay in the payment of gratuity or pension or family pension on account of administrative lapses, in accordance with rule 65 of the Central Civil Services (Pension) Rules, 2021.

(3) A report giving the details of the cases in which the provisional pension or provisional family pension or disability pension or family pension or gratuity has been authorised later than the date when its payment became due,

shall be submitted to the Secretary of the Administrative Ministry or Department, as the case may be, by 15th of January every year.

**17. Power to relax.** - Where any Ministry or Department of the Government is satisfied that the operation of any of these rules, causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Department of Pension and Pensioners' Welfare.

**18. Repeal and Saving.-(1)** On the commencement of these rules, every rule including the Central Civil Services (Extraordinary Pension) Rules, 1939, regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force, immediately, before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation,-

(a) every formal application for the sanction of pension which a Government servant had made or given under the old rule, shall be deemed to have been made or given under the corresponding provisions of these rules;

(b) any case which pertains to the authorisation of disability pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;

(c) any case which pertains to the authorisation of death gratuity and family pension to the family of a deceased Government servant and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;

(d) subject to the provisions of clauses (b) and (c) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

#### SCHEDULE - 1

[ See rule 3(1)(d) ]

#### LIST AND CLASSIFICATION OF DISEASES WHICH CAN BE CONTRACTED BY SERVICE:

(A) Diseases affected by climatic conditions:

- (i) Pulmonary Tuberculosis;
- (ii) Pulmonary Oedema;
- (iii) Pulmonary Tuberculosis with pleural effusion;
- (iv) Tuberculosis - Non-pulmonary;
- (v) Bronchitis;
- (vi) Pleurisy, empyema, lung abscess and bronchiectasis;
- (vii) Lobar pneumonia;
- (viii) Nephritis (acute and chronic);
- (ix) Otitis Media;
- (x) Rheumatism – acute;
- (xi) Rheumatism – chronic;
- (xii) Arthritis;
- (xiii) Myalgia;
- (xiv) Lumbago;
- (xv) Frost-bite leading to amputation of limb/limbs, neuro/pulmonary diseases/orthopaedic diseases/stress induced diseases/insanity/ Hypertension etc. caused or aggravated by extremely cold climatic conditions;
- (xvi) Heat Stroke; and

- (xvii) Pulmonary Thrombo-embolism/respiratory failure
- (B) (i) **Diseases which are endemic in nature:**
  - (ii) Malaria;
  - (iii) Kalazar;
  - (iv) Filariasis;
  - (v) Dysentery;
  - (vi) Cholera; and

diseases like Swine flu, Influenza, Dengue, Plague, Anthrax, Avian Influenza, Chikungunya, Crimean-Congo Haemorrhagic Fever, Hepatitis-B, C and E, Marburg virus diseases, Middle East respiratory syndrome, Monkeypox, Zika virus, Bird Flu, Ebola virus,
- (C) Pandemics:
 

COVID-19 or any other disease which is declared as pandemic by the Government.
- (D) Diseases affected by stress and strain:
  - (i) Psychosis and Psychoneurosis;
  - (ii) Hyperpiesia;
  - (iii) Hypertension (Blood Pressure);
  - (iv) Pulmonary Tuberculosis;
  - (v) Pulmonary Tuberculosis with pleural effusion;
  - (vi) Tuberculosis - Non-pulmonary;
  - (vii) Mitral Stenosis;
  - (viii) Pericarditis and adherent pericardium;
  - (ix) Endo-carditis;
  - (x) Sub-acute bacterial endo-carditis, including infective endocarditis;
  - (xi) Myocarditis - acute or chronic;
  - (xii) Valvular disease; and
  - (xiii) Heart attack/cardio related diseases
- (E) Diseases affected by dietary compulsions:
  - (i) Infective hepatitis (Jaundice);
  - (ii) Diseases of stomach and duodenum;
  - (iii) Worm infestations particularly Guinea worm and round worm infections;
  - (iv) Gastritis;
  - (v) Food poisoning, specially due to tinned food;
  - (vi) Gastric ulcer;
  - (vii) Duodenal ulcer; and
  - (viii) Nutritional Disorders.
- (F) Diseases affected by training and marching:
  - (i) Tetanus, erysipelas, septicaemia and pyaemia resulting from injuries;
  - (ii) Varicose veins;
  - (iii) Ankylosis and acquired deformities resulting from injuries;
  - (iv) Hernia;
  - (v) Post-traumatic epilepsy and other mental changes resulting from skull injury;

- (vi) Internal derangement of knee joint;
  - (vii) Burns sustained through petrol fire, kerosene oil leading to scars and various deformities and disabilities; and
  - (viii) Deformities of feet.
- (G) Environmental Diseases:
- (i) Diseases contracted in the course of official duty of attending to a venereal or septicaemic patient or conducting a post-mortem examination;
  - (ii) Diseases contracted on account of handling poisonous chemicals and radiation equipment.
- Note :** The diseases, though not included in this Schedule but otherwise considered to be attributable to Government service shall also be covered under Category B.

SCHEDULE II [See rule 3(1) (g)]		
Sl. No.	Description of Injury	Percentage of loss of earning capacity
PART I		
<b>List of Injuries deemed to result in Permanent Total Disablement</b>		
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100
PART II		
<b>List of Injuries deemed to result in Permanent Partial Disablement</b>		
AMPUTATION CASES - UPPER LIMBS (either arm)		
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion	80
3.	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20

10.	Loss of terminal phalanx of thumb	20
	<b>AMPUTATION CASES - LOWER LIMBS</b>	
11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation through both feet proximal to the metatarsal - phalangeal joint	80
13.	Loss of all toes of both feet through the metatarsal - phalangeal joint...	40
14.	Loss of all toes of both feet proximal to the proximal inter- phalangeal joint...	30
15.	Loss of all toes of both feet distal to the proximal inter- phalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70
19.	Amputation below middle thigh of 3½" below knee	60
20.	Amputation below knee with stump exceeding 3½" but not exceeding 5"	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end-bearing	30
23.	Amputation through one foot proximal to the metatarsal - phalangeal joint	30
24.	Loss of all toes of one foot through the metatarsal - phalangeal joint	20
	<b>OTHER INJURIES</b>	
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal	30
	LOSS OF -	
	<b>A. FINGERS OF RIGHT OR LEFT HAND</b>	
	Index Finger	
27.	Whole	14
28.	Two phalanges	11
29.	One phalanx	9
30.	Guillotine amputation of tip without loss of bone	5
	Middle Finger	
31.	Whole	12
32.	Two phalanges	9
33.	One phalanx	7
34.	Guillotine amputation of tip without loss of bone	4

	Ring or Little Finger	
35.	Whole	7
36.	Two phalanges	6
37.	One phalanx	5
38.	Guillotine amputation of tip without loss of bone	2
	<b>B. TOES OF RIGHT OR LEFT FOOT</b> Great Toe	
39.	Through metatarso-phalangeal joint	14
40.	Part, with some loss of bone	3
	Any other Toe	
41.	Through metatarso-phalangeal joint	3
42.	Part, with some loss of bone	1
	<b>TWO TOES OF ONE FOOT, EXCLUDING GREAT TOE</b>	
43.	Through metatarso-phalangeal joint	5
44.	Part, with some loss of bone	2
	<b>THREE TOES OF ONE FOOT, EXCLUDING GREAT TOE</b>	
45.	Through metatarso-phalangeal joint	6
46.	Part, with some loss of bone	3
	<b>FOUR TOES OF ONE FOOT, EXCLUDING GREAT TOE</b>	
47.	Through metatarso-phalangeal joint	9
48.	Part, with some loss of bone	3

**NOTE.** - Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

### SCHEDULE – III

[See rule 9(2)]

**Illustrative** list of circumstances in which death or disability of a Government servant is to be reckoned as attributable to Government service for grant of Extraordinary Family Pension or Disability Pension under Category B, Category C and Category D

#### Category ‘B’:

Death or disability due to:

- (i) diseases given in Schedule I. The diseases, though not included in Schedule I but otherwise considered to be attributable to Government service will also be covered under Category B;
- (ii) accidents while travelling on duty in an official mode of transport or public, private or mass transportation modes, e.g. train, aircraft, ship, etc;
- (iii) accidents while working on machinery and equipment, boilers, storage tanks of inflammable materials, chemicals, etc;
- (iv) fire accidents while on duty, other than cases of death or disability of Fire Fighting Staff engaged in fire-fighting operations;
- (v) accident during the period of participation in recreation activities/ mountaineering/gliding expeditions organized or permitted by service authorities;

- (vi) electrocution while on duty, etc., other than cases occurring to personnel deployed on flood/cyclone relief activities;
- (vii) accident while proceeding from duty station to leave station or returning therefrom;
- (viii) accidents while participating in local/national/international sports tournaments as member of service teams;
- (ix) accidents while journeying by a reasonable route from one's official residence to and back from the appointed place of duty irrespective of the mode of conveyance, whether private or provided by the Government.

**Category 'C':**

Death or disability due to:

- (i) bomb blasts or indiscriminate shooting incidents in public places or public transport,
- (ii) act of violence or attack by fellow Government servant;
- (iii) riots or revolt by demonstrators or public servants, causing injuries to other Government servants who is employed in aid of the civil administration for quelling agitation;
- (iv) fire Fighting Operation by the Staff engaged in fire-fighting operations.
- (v) accidents during test flights of aircraft.

**Category 'D': Death or disability:**

- (i) as a result of attack targeted against the Government servant by terrorists, extremists, anti-social element, etc;
- (ii) during action against terrorists, extremists, anti-social element, etc;
- (iii) during enemy action in international war or border skirmishes and warlike situations;
- (iv) during operation to evacuate Indian nationals from a war-torn foreign country;
- (v) due to extremists acts while on way to an operational area;
- (vi) due to exploding of mines while on way to an operational area;
- (vii) due to attack on Government servants belonging to Income Tax and Customs & Central Excise Departments, Central Police Organisations, or any other law enforcement agency, etc. during action against tax evaders, anti-social elements, etc;
- (viii) due to acts of violence or assault by terrorists, smugglers, dacoits, anti-social elements, etc. against an individual Government servant,-
  - (a) with the intention of deterring or preventing him from performing his duties; or
  - (b) because of any act done or attempted to be done by him in the lawful discharge of his duties; or
  - (c) because of his official position.
- (ix) after kidnapping by extremists;
- (x) during training exercises with live ammunition.

**SCHEDULE - IV**

**GUIDELINES FOR CONCEDED ATTRIBUTABILITY OF  
DISABLEMENT OR DEATH TO GOVERNMENT SERVICE**

[See rule 5 (3)]

1. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit shall be given more liberally to the claimant in field service cases.
2. The cases of death after discharge from service on invalidation are covered under sub- rule (6) of rule 4 and sub- rule (3) of rule 11.

3. Post-discharge claims. - Cases in which a disease did not actually lead to the Government servant's discharge from service but arose within seven years thereafter may be recognised as attributable to service, if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge, the individual would have been invalided out of service on this account.

4. In cases where an individual in receipt of a disability pension dies at home, and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disablement in respect of which the disability pension was granted –

(1) the benefit of doubt in determining attributability should go to the family of the deceased, if death occurs within 7 years from the date of his invalidment from service, unless there are other factors adversely affecting the claim ; and

(2) if death takes place more than 7 years after the date of the man's invalidment from service, the benefit of doubt shall go to the State.

5. In cases where an individual outlives a normal span of life, i.e., where death takes place at the age of 60 or above, the death should be held to be due to normal causes and not to Government service.

NOTE. - Death of a disability pensioner, whose disablement has been accepted on the basis of aggravation, may also be accepted as due to Government service under rule 4(3), if the last assessment of disablement was fifty per cent or above. If the last accepted assessment of disablement was less than fifty per cent, death should not be regarded as due to service.

The above procedure will apply when death is established as due to the disability in respect of which disability pension was granted. If this is not the case, the identification of the cause of death with the invaliding disability will first be determined in accordance with the provisions of the Guidelines. If the identity can be conceded thereunder, the procedure in the preceding sub-paragraph will be followed for determining the further point whether entitlement to extraordinary family pension can be conceded in a case where on invaliding disability was aggravated by service.

6.(1)(a) Injuries sustained when a Government servant is 'on duty' will be deemed to have arisen in, or resulted from, Government service; but in cases of injuries due to serious negligence or misconduct, the question of reducing the disability pension will be considered.

(b) In cases of self-inflicted injuries while on duty, attributability shall not be conceded unless it is established that service factors were responsible for such action; in cases where attributability is conceded, the question of grant of disability pension at full or at a reduced rate shall be considered.

(2) A person subject to the disciplinary code of the Central Armed Police Battalions, is 'on duty' –

(a) When performing an official task or a task, failure to do which would constitute an offence, triable under the disciplinary code, applicable to him.

(b) When moving from one place of duty to another place of duty irrespective of the method of movement.

(c) During the period of participation in recreation, organised or permitted by service authorities, and during the period of travelling in a body or singly under organised arrangements.

(d) When proceeding from his duty station to his leave station or returning to duty from his leave station.

(e) When journeying by a reasonable route from one's official residence to and back from the appointed place of duty irrespective of the mode of conveyance, whether private or provided by the Government.

(3)(i) An accident which occurs when a Government servant is not strictly 'on duty' as defined above, may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus, for example, where a person is killed or injured by someone by reason of his belonging to an Armed Police Battalion (and in the course of his duty in such service, he had incurred wrath of such person) he shall be deemed to be 'on duty' at the relevant time.

(ii) The benefit under clause (i) shall be given more liberally to the claimant in cases occurring on 'active service' as defined in the relevant Acts or Rules (e.g., those applicable to personnel of Border Security Force or Central Reserve Police Force, etc.).

NOTE 1. - (a) Personnel of the Central Armed Police Battalions participating in (i) local/national/international sports tournaments as member of service teams, or (ii) mountaineering/gliding expeditions organised by the service authorities, with the approval of Government, shall be deemed to be 'on duty' for purposes of the entitlement rules of disability and family pension.

(b) The above personnel participating in the above-mentioned sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby, in their individual capacity, shall not be deemed to be



'on duty' for purposes of those rules, even though prior permission of the competent service authorities may have been obtained by them.

(c) Injuries sustained by the above personnel in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local service authority, and deaths arising from such injuries shall be regarded as having occurred while 'on duty' for purposes of these rules.

NOTE 2. - The above personnel deputed for Training Courses conducted by the Himalayan Mountaineering Institute, Darjeeling, or other similar recognised institutes, shall be treated on par with personnel attending other authorised professional courses or exercises for the services for the purpose of the grant of disability/family pensions on account of disability/death sustained during the courses.

7. In respect of diseases, the following rules shall be observed, namely:-

(1) Cases, in which it is established that conditions of Government service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, shall fall for acceptance on the basis of aggravation.

(2) A disease which has led to an individual's discharge or death shall ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for Government service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease shall not be deemed to have arisen during service.

(3) If a disease is accepted as having arisen in service, it shall be established that the conditions of Government service determined or contributed to the onset of the disease and that the conditions were due to the circumstances on duty in Government service.

(4) In considering whether a particular disease is due to Government service, it is necessary to relate the established facts, in the aetiology of the disease and of its normal development, to the effect that conditions of service, e.g., exposure, stress, climate, etc., may have had on its manifestation, along with the time factor as per Schedule I-A.

(a) **Common diseases known to be affected by exposure to weather.**- Diseases such as Bronchitis, Rheumatism and Nephritis - indeed most diseases of the respiratory system, joints and kidneys - are affected by climatic conditions. The period and the conditions of service at any particular place should be taken into account in determining causal connection with service.

(b) **Common diseases known to be affected by stress and strain.**-This should be decided with due reference to the nature of the duties which the individual has had to perform in Government service. It may be that in some cases the individual had been engaged on sedentary duties, when they shall normally not qualify.

(c) **Diseases endemic to certain areas.**- Diseases such as Malaria, Kalazar, Filariasis, Dysentery, Cholera, etc., are endemic in certain areas and these diseases may also be introduced by movements of infected persons and in determining causal connection with service, it shall have to be established that the conditions of Government service exposed the individual to the infections as a result of which he contracted the disease and where there is medical evidence of the contraction of the diseases either prior to entry into service, or while off duty or on leave or desertion or unauthorised absence, etc., attributability should not be accepted, unless the disease occurs within the incubation period.

(d) **Diseases due to infections in service.**-Entitlement to pension shall be admitted if the exposure to infection arose from the circumstances of the member's Government service.

(e) **Diseases known to be affected by dietary compulsions.**-The compulsions of service would also cover such cases as gastric disorders, e.g., gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases shall be limited essentially to the question of aggravation of a pre-existing constitutional condition. This shall not normally apply to individuals in sedentary occupation.

(f) **Diseases which run their course independently of external circumstances.**-There are certain diseases which would have run the same course whether the individual had been in Government service or not, e.g., Leukaemia, Hodgkin's disease, etc. (See Part II of Schedule I-A). Such cases shall not be accepted as aggravated by service unless it is clear that owing to exigencies of service, the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed, as to be less effective than it should have been.

(g) **Venereal Diseases.**-(i) Venereal disease shall normally be rejected but a sequela of the disease may sometimes be accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance shall rarely be found unless the member after treatment had returned to full duty and had been subjected to such strain as would produce one of the after effects of the disease sooner than would have normally been the case. The strain must have been of an exceptional nature.

(ii) In the case of disease contracted before service if the member had reached an age when such a manifestation could be accepted, entitlement shall not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.

(iii) In the case of disease due to heredity, entitlement must be determined as in Para. (ii) above.

(iv) The above refers only to late manifestations or sequela of venereal disease as Neuro Syphilis or Cardio-vascular syphilis.

**(h) Invalidation on account of indulgence in drugs or drinks.** -Entitlement shall not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within one's own control.

6. Unforeseen effects of service medical treatment. -(1) If unforeseen complications arise as a result of treatment (including operative treatment) given for the purpose of rendering a member fit for service duties, any disablement resulting shall normally be accepted as attributable to service.

(2) Where the treatment is given for other reasons, the position regarding any unforeseen complications differs according as the condition which necessitated treatment was or was not, either attributable to or aggravated by service. If it was so attributable or aggravated, any disablement resulting from the treatment, it shall normally be accepted as attributable to service. If it was not, no responsibility shall be accepted for the additional disablement unless neglect, delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after the treatment can be held to have caused or aggravated the condition.

(3) The above considerations apply if the treatment is given in a service hospital or under service arrangements in any other hospital but shall not apply if the treatment, is undertaken under private arrangement by an individual.

7. Assessment.-(1) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.

(2) The disablement properly referable to service shall be assessed as under –

(a) At the time of discharge from the Government service normally the whole of the disablement then caused by the disability and this rules shall apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby. In the latter event, part of the disablement on discharge may have been present before service or may have been brought about by the natural progress of the disability during service. But as it is impossible, for so long as the strain and stress of service continues, to apportion quantitatively the effects of service and non-service factors, the entire disablement at the time of discharge shall be taken into account. For example:-

(i) Where a person who had a partially disabled hand, sustains an injury to the same hand which renders it less useful than before, or a person with an impaired foot injures the other as a result of service, thus increasing his defect in locomotion ; or

(ii) Where a person gives history of cough and cold prior to enrolment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, pension shall be admissible for the total disablement.

Note: The Special consideration should be given to cases to which the disablement has been or may have been worsened by the improper or excessive use of alcohol, tobacco or drugs or by venereal disease. In such cases, the effects of these shall be excluded in assessing disablement ascribable to service.

(b) On re-survey of disability after discharge from the service the whole of the disablement then caused by the disability, less the following: -

(i) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge ;

(ii) Any worsening due to the natural progress of the disability since discharge apart from the effects of service.

Deduction (i) will be made in all cases; while deduction (ii) above will apply only in cases where the disability is accepted as aggravated by, but not attributable to, service.

(3) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than 20 per cent, may be assessed on medical resurvey, after discharge from service, in accordance with para. (2) (b) (ii) above, disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease, e.g., Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service, is invalided out and on resurvey was found by the Medical Board to have been restored (a) to his pre-service condition or (b) the condition in which he may have been normally at that time even if he had not joined Government service, aggravation by service shall be deemed to have passed away.

## (4) Paired organs, -

(a) Paired organs, namely, eyes, ears, arms and legs shall be considered together, where disablement due to service occurs in one of a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity of the organs working together. Therefore, assessment will include functional defect of the pair of organs.

(b) Subject to the exceptions specified below, any subsequent increase in the non-service disablement and non-service disablement arising after discharge whether due to injury or disease will be excluded from the assessment.

(c)(i) In cases where at the time of discharge, there is damage by service to one organ (namely, one eye, ear, arm including hand) and leg (including feet) and the other is, either normal or impaired in a minor degree and where the disablement acceptable under clause (b) and the disablement of the other limb or organ are together assessable at any subsequent date at 100 percent, the assessment for pension purposes shall be increased by one half of the difference between the current assessment and 100 per cent. For instance, a pensioner receiving an award at the 40 percent rate for the loss of an eye who later loses the sight of his other eye through a non-service cause, will have his award increased to 70 percent rate; and a pensioner with an award at 80 percent for a gunshot wound of an arm, who later develops severe arthritis of his other arm, thereby being 100 % disabled, shall qualify for a revised award at 90 percent rate.

(ii) Where the combined disablement of the pair of organs is less than 100 percent, but is more than twice as serious as the disablement acceptable under clause (b), the assessment shall be increased to one half of the combined disablement. If, for example, a pensioner with an award at 30 % rate for the loss of vision of one eye partially loses the sight of the other eye through a non-service cause, and the defective vision of both eyes together is assessable at 80 %, his award will be increased to the 40 % rate.

(d) The provisions of the preceding sub-clauses shall be applicable even where the second of a pair of organs has been disabled by some generalised disability (e.g., rheumatoid arthritis) which would have also disabled the first of the pair if it had not been lost or damaged as the result of service.

(5) Composite assessments. -Where there are two or more disabilities due to service, compensation will be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments and where the functional effects of the disabilities overlap, the composite assessment shall be reduced in proportion to the degree of overlapping.

(6) Nil disablement.-Where, although a definite disability is or has been in evidence, the Medical Board consider that any disablement resulting therefore has ceased or has become so small as not to admit of assessable compensation, the assessment will be expressed as "nil disablement".

(7) Where the disability due to service has no connection with pre-existing disability, as for example, a person who had lost a finger prior to enlistment, loses a great toe by service, compensation will be restricted to the loss of the great toe only.

[F. No. 1/5/2020-P&PW (F)]

SANJIV NARAIN MATHUR, Addl. Secy.

### FORM E-1.

[See rule 14 (3)]

**Particulars to be obtained by the Head of Office from the Government Servant retiring/retired on Disability Pension**

Photograph(s)

#### 1. Detail of Government servant:

Name		Designation/ Rank/Post	
IRLA/Personal/Force/ Regiment No./Employee Code		Date of retirement	

Date of birth		Date of injury/ disease	
Ministry/Department/Office		PAN No.	
Aadhaar No.*(voluntary)		Nationality	

**2. Address after retirement for future correspondence:**

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
E-mail ID		Mobile No.	

**3. Details of Bank through which Pension is to be drawn:**

Type of A/c	<input type="checkbox"/> Single <input type="checkbox"/> Joint with Spouse	A/c No.	
Bank's Name		Branch	
IFS Code			

**Note 1:** Please attach a copy of the first page of passbook/cancelled cheque/document showing the name of Account Holder. (The name should be the same in the bank account, this form and the office records.)

**Note 2:** Please ensure that the Government servant is the Primary Account holder in a Joint Account. In case the Head of Office is satisfied that it is not possible for the retiring Government servant to open a joint account for reasons beyond his/her control, this requirement may be relaxed.

**4. Details of member of the family of Government servant who has been authorised to submit this Form on behalf of the retiring/retired Government servant in accordance with Rule 57(3) of Central Civil Service (Pension) Rules, 2021:**

Name		Relationship with the Government servant	
Aadhaar No.*(voluntary)		Nationality	
Flat/House No./Building Name		Street/Locality	
Village and Post Office/Block		City and District	
State		Pin Code	
E-mail ID		Mobile No.	
Reasons why Government servant himself is not able to submit this form			

5. Indicate whether family pension is also admissible from any other source- (Tick whichever is applicable)

Military ☐

Central ☐

State Govt. ☐

Public sector undertaking/ autonomous body/ local fund under the Central or State Govt. ☐

7. Whether any member of the family (other than spouse) is proposed to be co-authorised for family pension in accordance with Rule 63(1)(d) of Central Civil Service (Pension) Rules, 2021? Yes/No

(If yes, please attach Form 8 of Central Civil Services (Pension) Rules, 2021)

**Declaration:**

I am aware that future good conduct of the pensioner/family pensioner shall be an implied condition for every grant of pension/family pension and its continuance.

Enclosures: As per list attached

Place:



Date:

(Signature of Government servant/Family member authorised to submit this Form)

Name: .....

*\*Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to bank account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

**List of Documents to be attached**

1. Two specimen signatures (to be furnished in a separate sheet). If the claimant cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb on the document in lieu of specimen signature.
2. Form 8 of Central Civil Service (Pension) Rules, 2021, if a family member is proposed to be co-authorised for family pension. In accordance with Rule 63(1)(d) of Central Civil Service (Pension) Rules, 2021, the following members of family are eligible for co-authorisation for family pension along with spouse, if there is no other member of family eligible for family pension before them:
  - ☐ Disabled child/children (Disability certificate to be attached for co-authorisation.)
  - ☐ Dependent parents.
  - ☐ Disabled siblings. (Disability Certificate to be attached for co-authorisation.)
3. Three copies of Joint photograph with spouse or separate photographs of self and spouse, along with three copies of photograph of the member or members of the family whose names are to be included in the Pension Payment Order as a co-authorised family pensioner. (Photographs to be attested by Head of Office).
4. Details of Family in Form 4 of Central Civil Service (Pension) Rules, 2021 . [In the case of Government servants covered by National Pension System, Form 1 and Form 2 of Central Civil Service (Implementation of National Pension System) Rules, 2021 are to be attached].
5. Undertaking in Format 9 of Central Civil Service (Pension) Rules, 2021 for refunding any excess payment made by the pension disbursing Bank.
6. Nomination for Gratuity, Central Government Employees' Group Insurance Scheme and General Provident Fund in Common Nomination Form –Form 3 of Central Civil Service (Pension) Rules, 2021.
7. Nomination for arrears of pension Form A of Payment of Arrears of Pension(Nomination) Rules, 1983.
8. Undertaking in Format 1 of Central Civil Service (Pension) Rules, 2021, (Applicable for those who served in security-related or Intelligence Organizations referred to in rule 7 of the Central Civil Services (Pension) Rules, 2021).
9. Form for submitting details under Anubhav (optional).
10. Form of option for availing medical facilities of Central Government Health Scheme or Fixed Medical Allowance after retirement.
11. Photocopy of the first page of Pass Book of the Bank Account in which the pension is to be credited /cancelled cheque/any other document showing the name of Account Holder
12. Copy of PAN Card

**FORM E-2**

[See rule 14(5) and 14(8)]

**Form for Assessing Pension/Family Pension and Gratuity****PART-I (To be filed by Head of Office)**

<b>1. Name of the retiring Government servant</b>				Nationality			
Name of Mother /Father		<input type="checkbox"/> Mother					
		<input type="checkbox"/> Father					
*Aadhaar No. (if available)			PAN		Date of Birth (DD/MM/YYYY)		
<b>2. Designation/Rank/Post held at the time of retirement: -</b>							
(a) Name of the office				(b) Designation/ Rank/ Post			
(c) Level of pay in the pay matrix				(d) Basic pay			
(e) Whether the appointment mentioned above was under Government or outside the Government on foreign service terms							
(f) Level of pay /basic pay in the pay matrix of the post in the parent department							
(g) Whether declared substantive in any post under the Central Government							
<b>3. Date of beginning of service (DD/MM/YYYY)</b>				<b>4. Date of ending of service (DD/MM/YYYY)</b>			
<b>5. Date on which the Government servant would have retired in the normal course</b>							
<b>6. Military service, if any :-</b>							
(a) Period of military service				(b) Terminal benefits drawn/being drawn for military service			
(c) Whether opted for counting of military service towards civil pension (							
(d) If answer to (c) above is in the affirmative, whether the terminal benefits have been refunded							
<b>7. Service in Autonomous body/State Government, if any :-</b>							
(a) Details of service :		Name of organisation				Post held	
Period of service	From (DD/MM/YYYY)			To (DD/MM/YYYY)			
(b) Whether the above service is to be counted for pension in the Government							
(c) Whether the Autonomous Organisation has discharged its pensionary liability to the Central Government							
<b>8. Whether any departmental or judicial proceedings are pending against the retiring Government servant. If yes, particulars of Memorandum of charges/suspension order/criminal case may be indicated. (In accordance with Rule 8 of Central Civil Service (Pension) Rules, 2021, provisional pension (as per the rates</b>							

**under Central Civil Service (Pension) Rules, 2021) will be admissible and gratuity will be withheld till the conclusion of departmental or judicial proceedings and issue of final orders thereon.)**

### 9. Details of disablement

(a) Category	
(b) Percentage of disability without broad-banding	
(c) Percentage of disability with broad-banding	

### 10. Details of Service

(a) Period of service	From To <input type="text"/> <input type="text"/>	Total duration of service <input type="text"/>
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**(b) Details of omission, imperfection or deficiencies in the Service Book which have been ignored**

**(c) Period not counted as qualifying service :-**

(i) Boy service	
(ii) Extraordinary leave not counted as qualifying service	
(iii) Periods of suspension not treated as qualifying service	
(iv) Interruptions in service	
(v) Periods of foreign service with United Nation Bodies for which no pension contributions are payable/paid	
(vi) Any other period not treated as qualifying service (give details)	

**(d) Additions to qualifying service :-**

(i) Civil service		(ii) Military service	
(iii) Benefit of service in a State Government or Autonomous Body		(iv) Temporary Status service	

**(e) Net qualifying service(a – b – c + d)**

**(f) Qualifying service expressed in terms of completed six monthly periods (Period of three months & above is to be treated as completed six monthly period)**

**(g) Qualifying service expressed in terms of completed six monthly periods, counting qualifying service up to the date on which the Government servant would have retired in the normal course (for determining the amount of gratuity in the case of category C and D only)**

### 11. Emoluments :-

(a) Emoluments in terms of Rule 10(2)(iv)																									
(b) Emoluments during ten months preceding retirement-			From (DD/MM/YYYY)											To (DD/MM/YYYY)											
From Date	To Date	Basic Pay	Any other pay permissible as emoluments for pension				NPA				Basic pay for the purpose of Average Emoluments (including NPA)														

<b>Note :</b> If the officer was on foreign service immediately before retirement, the emoluments which he would have drawn under Government but for being on foreign service may be mentioned in items (a) and (b) above.		
(c) Average emoluments		
(d) Emoluments or average emoluments (whichever is higher) or pay to be reckoned for pension or family pension [(a) or (c), whichever is higher]		
(e) Dearness allowance admissible on (d) on the date of retirement		
(f) Emoluments reckoned for retirement gratuity [(d) + (e)]		
<b>12. Proposed pension details:-</b>		
(a) Service element		
(b) Disability element		
(c) Proposed pension [(a) + (b)]		
(d) Dearness relief on pension (as on the date of retirement)		
(e) Date from which pension is to commence		
(f) Date from which provisional pension being paid, if any.		Amount of provisional pension being paid (per month)
<b>13. Proposed gratuity details</b>		
(a) Amount of retirement gratuity		
(b) Amount of provisional gratuity paid, if any		
<b>14. Details of Government dues recoverable out of gratuity</b>		
(a) Licence fee for Government accommodation		
(b) Dues referred to in Rule 69 of Central Civil Service (Pension) Rules, 2021		
(c) Amount indicated by Directorate of Estates to be withheld under sub-Rule (5) of Rule 68 of Central Civil Service (Pension) Rules, 2021		
<b>15 A. Amount and period of family pension under Central Civil Service (Pension) Rules, 2021 :</b>		<b>Amount</b>
(i) Enhanced rate [Rule 50(2)(a)(iii) of Central Civil Service (Pension) Rules, 2021]		
(ii) Ordinary rate [Rule 50(2)(a)(i) of Central Civil Service (Pension) Rules, 2021]		
<b>Note: The family pension at enhanced rate shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 67 years had he survived, whichever is less.</b>		
<b>15 B. Amount of family pension under Central Civil Service (EOP) Rules, 2023, if death occurs within seven years after having been boarded out on account of the same injury or disease which resulted in disablement [Proviso to Rule 11(2)] :</b>		<b>Amount</b>
(i) Family pension to widow/ widower and children		
(ii) Family pension to parents, dependant minor sibling and dependant disabled sibling		
<b>16. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order</b>		
a. Name of the Spouse		
b. Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced		



wife)			
c. Names and relationship of other family members, referred to in (b) above.	1.		
	2.		
	3.		
d. Name of family member to be co-authorised (i.e. disabled child/ parent/disabled sibling)			
17. Whether Constant Attendant Allowance is admissible	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Amount(₹ )
18. Whether Fixed Medical Allowance is admissible	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Amount(₹ )

**FORM E-2- CHECK LIST FOR HEAD OF OFFICE FOR TIMELY PROCESSING OF RETIREMENT DUES**

<b>1. Whether nominations made for</b>			
(i) Death gratuity/retirement gratuity		(ii) Payment under Central Government Employees' Group Insurance Scheme	
(iii) Amount of General Provident Fund, if applicable		(iv) Arrears of pension	
2.(i) Has the retiring Government servant worked in any of the organisations mentioned in sub-rule 4 of Rule 7 of the Central Civil Services (Pension) Rules, 2021			
(ii) If yes, whether an undertaking in Format 1 of the Central Civil Services (Pension) Rules, 2021 has been obtained and placed on record			
3. Whether name in Bank Account is tallying with service records		<input type="checkbox"/> Yes	<input type="checkbox"/> No

**PART-II**

**(Account Authorisation) (by Accounts Officer)**

Date of receipt of pension papers by the Accounts Officer from Head of Office(DD/MM/YYYY)																					
<b>Entitlements admitted -</b>																					
<b>A. Length of qualifying service for pension</b>																					
<b>B. Pension</b>	(i) Class of pension										Disability Pension										
-																					
(ii) Service element																					
(iii) Disability element																					
(iv) Proposed pension [(ii) + (iii)]																					
(v) Date from which provisional pension being paid by Head of Office, if any.										(vi) Amount of Provisional Pension being paid											
(vii) Date up to which provisional pension to be continued											(viii) Date from which regular pension is to commence										

**Note 1 :** The date from which the final pension shall be commenced by the Pension Disbursing Authority shall be at least two months after the date of issue of the PPO, taking into consideration the time likely to be taken by CPAO and CPPC to process the pension case. Pay and Accounts Office shall record a note in this regard in the PPO while authorizing the final pension.

**Note 2:** The payment of provisional pension shall, accordingly, continue from the office till the date mentioned in the PPO for commencement of final pension by the PDA.

**Note 3:** The HOO will draw and disburse the difference between the amount of pension finally assessed and the amount of provisional pension. If the amount of pension finally assessed is less than the amount of provisional pension, the difference will be adjusted from the amount of gratuity payable failing which, in instalments from pension payable in future.

**C. Retirement Gratuity -**

(i) Length of qualifying service to be reckoned for gratuity (In case of Category C and D, qualifying service would be counted up to the date on which the Government servant would have retired in the normal course)	
(ii) Total amount of gratuity	
(iii) Provisional gratuity paid by Head of Office	
(iv) Amount to be adjusted towards arrears of licence fee for Government accommodation and licence fee for retention of Govt. accommodation beyond retirement	
(v) Amount intimated by Directorate of Estates for being withheld on account of unassessed licence fee	
(v) Amount to be adjusted towards Government dues other than those pertaining to Government accommodation	
(vi) Net amount to be released immediately	

<b>D. Amount and Period of family pension under Central Civil Service (Pension) Rules, 2021 :</b>	<b>Amount</b>	<b>Period</b>
(i) At enhanced rate		For a period of seven years from the date following the date of death or up to ....., whichever is earlier.
(ii) At normal rate		

**E. Amount of family pension under Central Civil Service (EOP) Rules, 2023, if death occurs within seven years after having been boarded out on account of the same injury or disease which resulted in disablement [Proviso to Rule 11(2)] :**

<b>(i) Family pension to widow/ widower and children</b>	
<b>(ii) Family pension to parents, dependant minor sibling and dependant disabled sibling</b>	

**F. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order**

(a) Name of the Spouse	
(b) Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced wife)	
(c) Names and relationship of other family members, referred to in (b) above.	
(d) Name of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	

**G. Head of account to which the amount of pension, retirement/death gratuity and family pension are to be debited**

Signature of Accounts Officer

1. Name						2. Designation											
3. Date of birth				4. Level of pay in the pay matrix								5. Basic pay					
6 Date of entry in the Government service(DD/MM/YYYY)										7.Date of retirement (DD/MM/YYYY)							
8 (a). Length of qualifying service reckoned for pension (as indicated in PPO)																	
(b). Length of qualifying service reckoned for gratuity(as indicated in PPO)																	
9. Emoluments or average emoluments, whichever is more beneficial for pension (as indicated in PPO)																	
10. Pension admissible ( calculations to be shown as follows ) :-																	
(a) Service element : Emoluments or average emoluments/2																	
(b) Disability element For category B : Emoluments or average emoluments x 30/100 x Percentage of disability(broad-banded)/100 For category C: Emoluments or average emoluments x 30/100 x Percentage of disability (broad-banded)/100 For category D: Emoluments or average emoluments x Percentage of disability(broad-banded)/100																	
(c) Amount of disability pension [(a) + (b)]																	
11. Emoluments for gratuity (as indicated in PPO)																	
12. Retirement gratuity admissible : calculation to be shown as follows :- Emoluments/4 x Qualifying Service (In completed six monthly periods, not exceeding 66.)																	
13. Pay for family pension (as indicated in Pension Payment Order)																	
14A. Family pension admissible under Central Civil Service (Pension) Rules, 2021(calculation to be shown as follows) :-																	
(i) Ordinary family pension : Pay x 30/100, subject to prescribed minimum and maximum																	
(ii) Enhanced family pension: Pay /2 [Subject to prescribed minimum and maximum]																	
14 B family pension under Central Civil Service (EOP) Rules, 2023, if death occurs within seven years after having been boarded out, on account of the same injury or disease which resulted in disablement [Proviso to Rule 11(2)]																	
(i) Family pension to widow/ widower and children Category B : Pay x 60/100 Category C and D : 100% of Pay																	
(ii) Family pension to parents, dependant minor sibling and dependant disabled sibling																	
Category B : Pay x 60/100 x 75/100 Category C and D : Pay x 75/100																	
15. Amount of Constant Attendant Allowance, if admissible																	
16. Amount of Fixed Medical Allowance, if admissible																	

\_\_\_\_\_

\_\_\_\_\_

Copy to:- Shri/Smt./Kumari .....  
(Retired/retiring Govt. servant)

**FORM E-3**

[See rule 14(5), 14(6) and (15) (5)]

**[Letter to the Accounts Officer forwarding the papers for disability pension/ family pension and gratuity of a Government Servant]**

No.....

Government of India

Ministry of .....

Department of .....

To,

Date (DD/MM/YYYY)									
----------------------	--	--	--	--	--	--	--	--	--

The Pay and Accounts Officer/Accountant General,



**Subject: Authorisation of pension/family pension and gratuity in respect of Shri/Smt./Km. ....**  
**..... under Central Civil Services (Extraordinary Pension) Rules, 2023**

Sir/Madam,

1. I am directed to forward herewith the pension/ family pension and gratuity papers of Shri/Smt./Km. ....of this Ministry/Department/Office for further necessary action.
2. The details of Government dues which will remain outstanding on the date of retirement /death of the Govt. servant and which need to be recovered/withheld are indicated in item No. 14 of Form E-2/ item no 8 of Form- E-6.
3. The receipt of this letter may be acknowledged and this Ministry/Department/Office informed that necessary instructions for the disbursement of pension/family pension have been issued to disbursing authority concerned, under intimation to the retiring /retired Government servant/family pensioner.
4. The retirement/ death gratuity will be drawn and disbursed by this Ministry/Department/Office on receipt of authority from you.

Yours  
faithfully,

(Head of Office)

**Enclosures:**

1. Service Book (date of retirement/ death to be indicated in the service book).
2. Details of family in Form 4 of Central Civil Service (Pension) Rules, 2021. [In the case of Government servants covered by National Pension System, Form 1 and Form 2 of Central Civil Service (Implementation of National Pension System) Rules 2021 are to be enclosed]
3. Form E-1 or E-5 and Form E-2 or E-4 or E-6 or E-7, duly completed, along with enclosures and checklists.
4. Undertaking to the Bank in Format 9 of Central Civil Service (Pension) Rules, 2021
5. Medical certificate
6. Orders of the competent authority regarding grant of disability pension/family pension under Central Civil Service (EOP) Rules.

**Note:** When initials or name of the Government servant are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter.

**FORM E-4**

[See rule 14(9)]

**[Form for Assessing Disability Pension/Family Pension and Gratuity where Pension has earlier been authorised under Central Civil Service (Pension) Rules, 2021]**

**PART-I (To be filed by Head of Office)**

<b>1. Name of the retired Government servant</b>				Nationality	
Name of Mother/Father		<input type="checkbox"/> Mother			
		<input type="checkbox"/> Father			
*Aadhaar No. (if available)		PAN		Date of Birth (DD/MM/YYYY)	
<b>2. Post held at the time of retirement: -</b>					
(a) Name of the office				(b) Post held	
(c) Level of pay in the pay matrix				(d) Basic pay	
(e) Level of pay /basic pay in the pay matrix of the post in the parent department if the Government servant is on deputation					
<b>3. Date of beginning of service (DD/MM/YYYY)</b>					
<b>4. Date of ending of service (DD/MM/YYYY)</b>					
5. Date on which the Government servant would have retired in the normal course					
<b>6. Details of disablement</b>					
(a) Category					
(b) Percentage of disability without broad-banding					
(c) Percentage of disability with broad-banding					
<b>7. Qualifying service</b>					
(a) Qualifying service expressed in terms of completed six monthly periods in case of Category B (Period of three months & above is to be treated as completed six monthly period)					

(b) Qualifying service expressed in terms of completed six monthly periods, counting qualifying service up to the date on which the Government servant would have retired in the normal course (for determining amount of gratuity in the case of category C and D only)	
<b>8. Emoluments :-</b>	
(a) Emoluments or average emoluments (whichever is higher) reckoned for pension/ family pension	
(b) Emoluments reckoned for retirement gratuity	
<b>9. Details of pension, gratuity and family pension authorised under CCS (Pension) Rules, 2021</b>	
(a) PPO No.	
(b) Amount of pension authorised	
(c) Date of commencement of pension	
(d) Amount of retirement gratuity authorised	
(e) Amount of family pension authorised	
(i) At ordinary rate	
(ii) At enhanced rate	
<b>10. Proposed pension details:-</b>	
(a) Service element	
(b) Disability element	
(c) Proposed pension [(a) + (b)]	
(d) Date from which pension is to commence	
<b>11. Amount of proposed retirement gratuity</b>	
<b>12 A. Amount and period of proposed family pension under CCS (Pension) Rules, 2021 :</b>	<b>Amount</b>
(i) Enhanced rate [Rule 50(2)(a)(iii) of CCS (Pension) Rules, 2021]	
(ii) Ordinary rate [Rule 50(2)(a)(i) of CCS (Pension) Rules, 2021]	
<b>Note:</b> The family pension at enhanced rate shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 67 years had he survived, whichever is less.	
<b>12 B. Amount of family pension under CCS (EOP) Rules, 2023 if death occurs within seven years after having been boarded out on account of the same injury or disease which resulted in disablement [Proviso to Rule 11(2)] :</b>	<b>Amount</b>
(i) Family pension to widow/ widower and children	
(ii) Family pension to parents, dependant minor sibling and dependant disabled sibling	
<b>13. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order</b>	
Name of the Spouse	
Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced wife)	

Names and relationship of other family members, referred to in (b) above.		
Name of family member to be co-authorised (i.e. disabled child/parent/disabled sibling)		
<b>14. Whether Constant Attendant Allowance is admissible</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Amount(₹ )
<b>15. Whether Fixed Medical Allowance is admissible</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Amount(₹ )

**PART-II****(Account Authorisation) (by Accounts Officer)**


<b>A. Date of receipt of pension papers by the Accounts Officer from Head of Office(DD/MM/YYYY)</b>									
<b>B. Details of pension, gratuity and family pension authorised under CCS (Pension) Rules, 2021</b>									
(a) PPO No.									
(b) Amount of pension authorised									
(c) Date from which pension was authorised									
(c) Amount of retirement gratuity authorised									
(d) Amount of family pension authorised									
(i) At ordinary rate									
(ii) At enhanced rate									
<b>C. Entitlements admitted -</b>									
<b>Pension -</b>									
(i) Class of pension	Disability Pension								
(ii) Length of qualifying service for pension									
(iii) Service element									
(iv) Disability element									
(v) Proposed disability pension [(iii) + (iv)]									
(vi) Date from which disability pension is payable									
<b>Retirement Gratuity -</b>									
(i) Length of qualifying service to be reckoned for gratuity (In case of Category C and D, qualifying service would be counted up to the date on which the Government servant would have retired in the normal course)									
(ii) Total amount of retirement gratuity									
<b>Amount and period of family pension –</b>	<b>Amount</b>	<b>Period</b>							
(i) At enhanced rate									
(ii) At normal rate									





Emoluments/4 x Qualifying Service (In completed six monthly periods, not exceeding 66.)		
14. Pay for family pension (as indicated in Pension Payment Order)		
15. Family pension admissible (calculation to be shown as follows) :-		
(i) Ordinary family pension : Pay x 30/100 [subject to prescribed minimum and maximum]		
(ii) Enhanced family pension: Pay /2 [Subject to prescribed minimum and maximum]		
16. Amount of Constant Attendant Allowance, if admissible		
17. Amount of Fixed Medical Allowance, if admissible		

  
 Signature of the Head of Office

  
 Countersigned by PAO

Copy to:- Shri/Smt./Kumari .....  
 (Retired/Retiring Government servant)

FORM E-5

[See rule 15(2) ]

**[Application to the Head of Office for Family Pension on death of a Government Servant ]**

**Photograph**

**1. Details of deceased Government Servant**

Name		Office/Dept./Ministry		Nationality	
Date of death (DD/MM/YYYY)					

**2. Details of claimant:**

Name		Date of birth (DD/MM/YYYY)		Aadhaar No. *(Voluntary)	
PAN		Relationship with deceased Govt. servant			
If the claimant is a widowed daughter, date of death of husband of the claimant (DD/MM/YYYY)		If the claimant is a divorced daughter		If the claimant is a disabled child/sibling, date from which suffering from the disability (DD/MM/YYYY)	
		Date of filing of divorce petition (DD/MM/YYYY)			
		Date of divorce (DD/MM/YYYY)			

**3. Postal address:**

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone /Mobile No.		E-mail ID, if any	

**4. In case the claimant is minor or suffering from disorder or disability of mind, including mental retardation, details of guardian/ nominee, wherever applicable:**

Name		Date of Birth (DD/MM/YYYY)		Aadhaar No. *(Voluntary)	
PAN		Relationship with minor/ mentally disabled claimant			
Relationship with the deceased Government servant					

Postal address:

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone /Mobile No.		E-mail ID	

**6. Details of Bank:**

A/c No.		Bank's Name and branch	
IFS Code			

7. Indicate whether family pension is also admissible from any other source- (Tick whichever is applicable)

Military ☐State Govt. ☐Public sector undertaking/ autonomous body/ local fund under the Central or State Govt. ☐

I declare that the information given by me is true to the best of my knowledge and nothing has been concealed therefrom.

I am aware that future good conduct of the claimant/family pensioner shall be an implied condition for every grant of family pension and its continuance.

Place

Date:

(Signature of the claimant/guardian)

*\*Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to bank account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

**Note:** If a member or members of family is/are proposed to be co-authorised for family pension, an application in Form 8 of the CCS (Pension) Rules, 2021 may be attached. In accordance with Rule 63(1)(d) of the CCS (Pension) Rules, 2021, the following members of family are eligible for co-authorisation for family pension along with spouse, if there is no other member of family eligible for family pension before them:

- (i) Disabled child/ children
- (ii) Dependent parents.
- (iii) Disabled siblings.

List of Documents to be submitted:

1. Two specimen signatures (to be furnished in a separate sheet) .If the claimant cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb etc. on the document in lieu of specimen signature.

2. Proof of identity.
3. Proof of relationship with the deceased Government servant/pensioner
4. Two copies of self attested passport size photographs of the claimant.
5. Details of family in Form 4 of CCS (Pension) Rules, 2021. [In the case of Government servants covered by National Pension System, Form 2 of CCS (Implementation of National Pension System) Rules 2021 is to be enclosed]
6. Undertaking for refunding any excess payment made by the pension disbursing bank in Format 9 of CCS (Pension) Rules, 2021.
7. Certificate(s) of age showing the dates of birth of the children. The certificates should be from the municipal authorities or from the local panchayat or from the head of a recognized school or Central/state board of education.
8. Two specimen signatures of guardian (to be furnished in a separate sheet if the claimant is minor or suffering from mental disability)
9. If the guardian cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb etc. on the document in lieu of specimen signature.
10. A copy of Photo ID proof of the guardian along with proof of Permanent Address.
11. Two self attested copies of passport size photograph of the guardian/nominee
12. Copy of death certificate of Government servant
13. Last Income Tax Return failing which Certificate from SDM failing which any other document regarding income in support of the claim for family pension (Not applicable in the case of spouse and parents).
14. Copy of the first page of the Pass Book/cancelled cheque/ any other document showing name and account number in which the family pension is to be credited. (Name of the claimant in the form and in the bank account should be the same).
15. If the claimant is a widowed/divorced daughter or a disabled child/sibling, document in support of the eligibility of the claimant (i.e death certificate of husband in the case of widowed daughter/divorce decree in the case of divorced daughter/disability certificate in the case of a disabled child).
16. Form 8 of CCS (Pension) Rules, 2021, if a family member is proposed to be co-authorised for family pension.

## FORM E-6

[See rule 15(4), (7) ]

**[Assessment and Authorisation of Payment of Family Pension and Death Gratuity on death of a Government Servant ]****Photograph of  
claimant(s)****Part I**

## Section I

**1. Details of deceased Government servant:**

(a) Name					(b) Nationality					(c) Religion				
(d) Mother's name			(e) Father's Name			(f) Date of birth(DD/MM/YYYY)								
(g) Date of death (DD/MM/YYYY)														

<b>2. Post held at the time of death:-</b>									
(a) Name of the office									
(b) Post held substantively						(c) Officiating post			
(d) Level of pay in the pay matrix						(e) Basic Pay			
(f) In case the last post was held outside the Government on foreign service terms-									
(i) Level of pay of the post held in the parent department						(ii) Basic pay			
(g) Total period of military service, if any, for which pension and/or gratuity was sanctioned									
(h) Amount of any pension/gratuity received for the military service				(i) Nature of any pension/gratuity received for the military service					
<b>3. Date of beginning of service (DD/MM/YYYY)</b>									
<b>4. Service in Autonomous Body/State Government, if any particulars of service:</b>									
(a) Name of organization		(b) Post held		(c) Period of service					
				From		To		Total period	
(d) Whether the above service is to be counted for gratuity in the Government								<input type="radio"/> Yes <input type="radio"/> No	
(e) Whether the Autonomous Organization has discharged its pensionary liability to the Central Government								<input type="radio"/> Yes <input type="radio"/> No	
(f) Amount of any pension/gratuity received for the previous civil service, if any				(g) Nature of any pension/gratuity received for the previous civil service, if any					
<b>5. Service qualifying for gratuity:</b>									
(a) Details of omission, imperfection or deficiencies in the service book which have been ignored]									
<b>(b) Periods of non-qualifying service:</b>				From		To		No. of days	
Interruption in service condoned									
Extraordinary leave not qualifying for gratuity									
Period of suspension treated as non-qualifying									
Boy service									
Periods of foreign service with United Nations bodies for which United Nations pension has been availed									
Any other service not treated as qualifying service									
Total Period of non-qualifying service									
<b>(c) Additions to qualifying service:</b>				From		To		No. of days	
Civil service									
Military service									
Benefit of service in a State Government/ Autonomous Body									
Temporary status service (half of the total period)									
Total Period of qualifying service									

(d) Net qualifying service											
(e) Qualifying service expressed in terms of completed six monthly periods (Period of three months and above is to be treated as completed six monthly period)											
<b>6. Emoluments</b>											
(a) Emoluments in terms of Rule 10(2)(iv)											
(b) Emoluments drawn during ten months preceding death				From (DD/MM/YYYY)				To			
Note: If the officer was on foreign service immediately preceding retirement, the notional emoluments which he would have drawn under Government but for being on foreign service may be mentioned in items (a) and (b) above											
(c) Average emoluments in terms of Rule 10(2)(iv)											
(d) Emoluments or average emoluments (whichever is higher)											
(e) Pay reckoned for family pension [same as (d) ]											
(f) Dearness Allowance on (d) as admissible on the date of death											
(g) Emoluments reckoned for gratuity [(d) +(f)]											
<b>7. Amount of death gratuity</b>											
<b>8. Details of Government dues recoverable out of gratuity:</b>											
(a) Licence fee for occupation of Government accommodation											
(b) Amount to be withheld as indicated by the Directorate of Estates											
(c) Dues referred to in Rule 77 (2) of Central Civil Service (Pension) Rules, 2021											
(d) Net amount payable as gratuity											
<b>9. Details of the nominee(s) to whom gratuity is payable:</b>											
S.No.	(a) Name	(b) Date of birth (DD/MM/YYYY)	(c) Aadhaar No.* (if available)	(d) Share in gratuity	(e) Relationship with deceased Govt. servant	(f) Address					
1.											
2.											
3.											
<b>10. Details of guardian/nominee who will receive payment of gratuity in the case of minor/mentally disabled children</b>											
S.N.	(a) Name of minor/mentally disabled child	(b) Name of guardian	(c) Aadhaar No.* (if available)	(d) Relationship with deceased Govt. servant	(e) Address of guardian						
1.											
2.											
3.											
<b>11. Details of family pension</b>											
Rate of family pension					Amount of family pension						

<b>For widow/widower/child</b> Death covered under Category B - @ Pay on the date of death x 60/100 Death covered under Category C or D - @ Pay on the date of death							
<b>For parent/minor sibling/disabled sibling</b> Death covered under Category B - @ Pay on the date of death x 60/100 x 75/100 Death covered under Category C or D - @ Pay on the date of death x 75/100							
<b>12. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order</b>							
(a) Details of spouse and other family members who will share the family pension with percentage of family pension payable to each.	Name	Relation with Government servant	Monthly income	If the claimant is a widowed/divorced daughter, date of death of husband/date of divorce*	If the claimant is a disabled child/sibling, date from which suffering from disability	Postal address (with PIN code), Mobile No. and e-mail ID	Percentage of family pension payable
<b>*If the date of divorce is after the date of death of both parents, then date of filing of divorce petition may be indicated in this column.</b>							
(b) Name and relation of family member to be co-authorized (i.e. disabled child/dependant parent/disabled sibling)			Name		Relation with deceased Government servant		
<b>13. Details of guardian who will receive payment of family pension in the case of minor/ mentally disabled children</b>							
S.N.	(a) Name of minor/mentally disabled child	(b) Name of guardian	(c) Aadhaar No.* (if available)	(d) Relationship with deceased/ Govt. servant	(e) Address of guardian		
1.							
2.							
3.							
<b>14. Whether Fixed Medical Allowance is admissible</b>			<input type="checkbox"/> Yes <input type="checkbox"/> No			Amount(₹ )	
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;">           Place: <div style="border: 1px solid black; width: 150px; height: 20px; margin-top: 5px;"></div> </div> <div style="width: 30%;">           Date: <div style="border: 1px solid black; width: 150px; height: 20px; margin-top: 5px; color: #00aaff; font-size: 0.8em; text-align: center;">DD-MM-YYYY</div> </div> <div style="width: 30%; text-align: right;"> <div style="border: 1px solid black; width: 120px; height: 30px; margin: 10px auto;"></div>           (Signature of Head of Office)         </div> </div>							

**PART II****Account Enfacement****Section I**

Total period of qualifying service accepted for gratuity	
Net amount of gratuity after adjusting Government dues	
<b>Amount of family pension</b>	
Date from which family pension is admissible (DD/MM/YYYY)	
Head of account to which gratuity and family pension are debitable	

**Section II**

<b>Details of deceased Government servant</b>									
Name		Date of death							
Amount of family pension authorised		Amount of gratuity authorised							
Date of commencement of family pension(DD/MM/YYYY)						Amount recoverable from gratuity			
Amount of gratuity withheld pending receipt of 'No Demand Certificate'									
<b>Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order</b>									
(a) Details of spouse and other family members who will share the family pension, with percentage of family pension payable to each.	Name	Relation with Government servant	Percentage of family pension payable						
(b) Name and relation of family member(s) to be co-authorized (i.e. disabled child/dependant parent/disabled sibling)	Name	Relation with Government servant							
Date from which regular family pension is to commence by Pension Disbursing Authority (DD/MM/YYYY)									

Place:

Date:

(Signature of Account Officer )

## CALCULATION SHEET FOR GRATUITY/FAMILY PENSION

1. Name											2. Designation											
3. Date of birth				4. Level of pay in the pay matrix										5. Basic pay								
6 Date of entry in the Government service (DD/MM/YYYY)											7.Date of Death (DD/MM/YYYY)											
8. Length of qualifying service reckoned for gratuity(as indicated in PPO)																						
9. Emoluments or average emoluments, whichever is higher																						
10. Dearness Allowance on item (9) on the date of death																						
11. Emoluments for gratuity [(9)+(10)]																						
<b>12. Death gratuity admissible</b>																						
13. Pay for family pension (as indicated in Pension Payment Order)																						
14. Family pension admissible (calculation to be shown as follows) :-																						
Rate of family pension															Amount							
<b>For widow/widower/child</b> Death covered under Category B - @ Pay on the date of death x 60/100 Death covered under Category C or D - @ Pay on the date of death  <b>For parent/minor sibling/disabled sibling</b> Death covered under Category B - @ Pay on the date of death x 60/100 x 75/100 Death covered under Category C or D - @ Pay on the date of death x 75/100																						
<b>15. Amount of Fixed Medical Allowance, if admissible</b>																						

Signature of the Head of Office

Countersigned by PAO

Copy to:- Shri/Smt. Kumari .....

Family member of deceased Govt. servant

**FORM E-7**

[See rule 15(8)]

**[Assessment and Authorisation of Payment of Family Pension under Central Civil Service (EOP) Rules, 2023 to the family of a Government Servant in respect of whom family pension was authorised under Central Civil Service (Pension) Rules, 2021]**

**Photograph of  
claimant**



**Part I****Section I****1. Details of deceased Government servant:**

(a) Name		(b) Nationality		(c) Religion	
(d) Mother's name		(e) Father's Name		(f) Date of birth (DD/MM/YY YY)	
(g) Date of death  (DD/MM/YYYY)					

**2. Post held at the time of death:-**

(a) Name of the office	
(b) Post held substantively	(c) Officiating post
(d) Level of pay in the pay matrix	(e) Basic Pay

**3. Service qualifying for gratuity:**

(a) Net qualifying service	
(b) Qualifying service expressed in terms of completed six monthly periods (Period of three months & above is to be treated as completed six monthly period)	

**4. Emoluments**

(a) Emoluments in terms of Rule 10(2)(iv)	
(b) Average emoluments in terms of Rule 10(2)(iv)	
(c) Emoluments or average emoluments (whichever is higher)	
(d) Pay reckoned for family pension [same as (c)]	
(e) Dearness Allowance on (c) as admissible on the date of death	
(f) Emoluments reckoned for gratuity [(c) +(e)]	

**5. Details of gratuity and family pension authorised under Central Civil Service (Pension) Rules, 2021**

(a) PPO No.	
(b) Amount of Retirement Gratuity authorised	
(c) Amount of family pension authorised	
(i) At ordinary rate	
(ii) At enhanced rate	
(d) Date from which family pension under Central Civil Service (Pension) Rules, 2021 was authorised	

<b>6. Proposed amount of death gratuity</b>								
<b>7. Proposed family pension</b>								
Rate of family pension						Amount of family pension		
<b>For widow/widower/child</b> Death covered under Category B - @ Pay on the date of death x 60/100 Death covered under Category C or D - @ Pay on the date of death <b>For parent/minor sibling/disabled sibling</b> Death covered under Category B - @ Pay on the date of death x 60/100 x 75/100 Death covered under Category C or D - @ Pay on the date of death x 75/100								
Date from which family pension under Central Civil Service (Extraordinary Pension) Rules, 2021 is to be authorised								
<b>8. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order</b>								
(a) Details of spouse and other family members who will share the family pension with percentage of family pension payable to each.	Name	Relation with Government servant	Monthly income	If the claimant is a widowed/divorced daughter, date of death of husband/date of divorce*	If the claimant is a disabled child/sibling, date from which suffering from disability	Postal address (with PIN code), Mobile No. and e-mail ID	Percentage of family pension payable	
*If the date of divorce is after the date of death of both parents, then date of filing of divorce petition may be indicated in this column.								
(b) Name and relation of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)			Name		Relation with Government servant			
<b>9. Details of guardian who will receive payment of family pension in the case of minor/ mentally disabled children</b>								
S.N.	(a) Name of minor/mentally disabled child	(b) Name of guardian	(c) Aadhaar No.* (if available)	(d) Relationship with deceased Govt. servant	(e) Address of guardian			
1.								
2.								
3.								
<b>10. Whether Fixed Medical Allowance is</b>			<input type="checkbox"/> Yes <input type="checkbox"/> No		Amount(₹)			

<b>admissible</b>		
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> Place: <input style="width: 100%;" type="text"/>   Date: <input style="width: 100%;" type="text" value="DD-MM-YYYY"/> </div> <div style="width: 45%; text-align: right;"> <div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> <p>(Signature of Head of Office)</p> </div> </div>		

**PART II****Account Authorisation****Section I**

Details of gratuity and family pension authorised under Central Civil Service (Pension) Rules, 2021	
(a) PPO No.	
(b) Amount of retirement gratuity authorised	
(C) Amount of family pension authorised	
(i) At ordinary rate	
(ii) At enhanced rate	
(d) Date from which family pension under Central Civil Service (Pension) Rules, 2021 was authorised	
Total period of qualifying service accepted for gratuity	
Amount of death gratuity admissible	
Net amount of gratuity after adjusting Government dues	
<b>Amount of family pension under Central Civil Service (EOP) Rules, 2021</b>	
Date from which family pension is admissible (DD/MM/YYYY)	
Head of account to which gratuity and family pension are debitable	

**Section II**

Details of deceased Government servant				
Name	Date of death			
Amount of family pension authorised under Central Civil Service (EOP) Rules, 2021	Amount of gratuity authorised			
Date of commencement of family pension (DD/MM/YYYY)	Amount recoverable from gratuity			
<b>Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order</b>				
(a) Details of spouse and other family members who will share the family pension, with percentage of family	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">Name</td> <td style="width: 30%; border-bottom: 1px solid black;">Relation with Government servant</td> <td style="width: 40%; border-bottom: 1px solid black;">Percentage of family pension payable</td> </tr> </table>	Name	Relation with Government servant	Percentage of family pension payable
Name	Relation with Government servant	Percentage of family pension payable		

pension payable to each.			
(b) Name and relation of family member(s) to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	Name	Relation with deceased Government servant	

Place:

Date:

(Signature of Account Officer )

## CALCULATION SHEET FOR GRATUITY/FAMILY PENSION

1. Name		2. Designation		
3. Date of birth		4. Level of pay in the pay matrix		5. Basic pay
6 Date of entry in the Government service (DD/MM/YYYY)		7. Date of Death (DD/MM/YYYY)		
8. Length of qualifying service reckoned for gratuity(as indicated in PPO)				
9. Emoluments or average emoluments, whichever is higher				
10. Dearness Allowance on item (9) on the date of death				
11. Emoluments for gratuity [(9)+(10)]				
<b>12. Death Gratuity admissible</b>				
13. Pay for family pension (as indicated in Pension Payment Order)				
14. Family pension admissible (calculation to be shown as follows) :-				
Rate of family pension		Amount		
<b>For widow/widower/child</b> Death covered under Category B - @ Pay on the date of death x 60/100 Death covered under Category C or D - @ Pay on the date of death <b>For parent/minor sibling/disabled sibling</b> Death covered under Category B - @ Pay on the date of death x 60/100 x 75/100 Death covered under Category C or D - @ Pay on the date of death x 75/100				
<b>15. Amount of Fixed Medical Allowance, if admissible</b>				

Signature of the Head of Office

Countersigned by PAO

Copy to:- Shri/Smt.Kumari .....

Family member of deceased Govt. servant

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-22**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 06 ಕೇನಿಪು 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:02.03.2023.

ದಿನಾಂಕ: 02.02.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Administrative (Committee for Control and  
Supervision of Experiments on Animals) Rules, 2023ರ Notification-GSR 82(E) ಅನ್ನು  
ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING**  
**(Department of Animal Husbandry and Dairying)**

**NOTIFICATION**

New Delhi, the 2nd February, 2023

**G.S.R. 82(E).**—Whereas a draft of the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) Administrative Rules, 2022 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide notification of the Government of India, Ministry of Fisheries, Animal Husbandry and Dairying number G.S.R. 292(E), dated the 11th April, 2022, inviting objections and suggestion from all persons likely to be affected thereby, within a period of thirty days, from the date of which copies of Official Gazette containing the said notification were made available to the public;

And whereas, the copies of the said Gazette were made available to the public on the 11th April, 2022;

And whereas the objections and suggestions received in respect of the said draft rules, have been duly considered by the Committee for Control and Supervision of Experiments on Animals;

Now, therefore, in exercise of the powers conferred under section 15 read with section 38 of the Prevention of Cruelty to Animal Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:---

**1. Short title and commencement. – (1) These rules may be called the Administrative (Committee for Control and Supervision of Experiments on Animals) Rules, 2023.**

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions. -In these rules, unless the context otherwise requires,-**

- (a) “Act” means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
- (b) “Board” means the Animal Welfare Board of India established under section 4 and as reconstituted from time to time under section 5A of the Act;
- (c) “CCSEA” means the Committee for Control and Supervision of Experiments on Animals established under sub-section (1) section 15 of the Act, (hereinafter referred to as “Committee”);
- (d) “Chairman” means the Chairman nominated under sub-section (2) of section 15 of the Act;
- (e) “Member” means a Member of the Committee for Control and Supervision of Experiments on Animals;
- (f) “Member-Secretary” means the Member-Secretary to the Committee for Control and Supervision of Experiments on Animals;
- (g) “IAEC” means Institutional Animal Ethics Committee; and
- (h) “Experimentation” means any programme or project involving use of animal for the acquisition of knowledge of a biological, physiological, ethological, physical or chemical nature; and includes the use of animal in the production of reagents and products such as antigens and antibodies, routine diagnostics, testing activity and establishment of transgenic stocks, for the purpose of saving or prolonging life or alleviating suffering or significant gains in well being for people of the country or for combating any disease whether of human beings or animals;

**3. Headquarters of Committee.** –The head quarter of the Committee for Control and Supervision of Experiments on Animals shall be at New Delhi.

**4. Constitution of Committee.** –The Central Government shall constitute Committee for Control and Supervision of Experiments on Animals as per section 15 of the Act with the following Members, namely:-

- (1) Additional Secretary or equivalent or Joint Secretary, In-Charge of Animal Welfare;
- (2) Joint Commissioner or Deputy Commissioner, In-Charge of Animal Welfare;
- (3) Representative, Animal Welfare Board of India not below the rank of Secretary, Animal Welfare Board of India;
- (4) President, Veterinary Council of India, New Delhi or his Representative not below the rank of Secretary, Veterinary Council of India;
- (5) President, Pharmacy Council of India, New Delhi or his Representative not below the rank of Secretary, Pharmacy Council of India;
- (6) Representative of Central Drugs Standard Control Organization, New Delhi not below the rank of Deputy Drugs Controller;
- (7) Chairman, National Medical Commission, New Delhi or his Representative not below the rank of President, National Medical Commission;
- (8) Chairman, University Grants Commission, New Delhi or his Representative not below the rank of Secretary, University Grants Commission;
- (9) Representative of Indian Council of Medical Research, New Delhi not below the rank of Scientist – F;
- (10) Representative of Council of Scientific and Industrial Research, New Delhi not below the rank of Scientist – F;
- (11) Representative of Indian Council of Agricultural Research, New Delhi not below the rank of Scientist – F;
- (12) Representative of Department of Biotechnology, New Delhi not below the rank of Scientist – F;
- (13) Three members from the field of Pharmaceutical Science, Bio-Statistics, Veterinary Sciences and Zoology- Members;
- (14) Two members, expert of Livestock or equines or dogs and non human primates- Members; and
- (15) Two socially aware members having knowledge of animal ethics, welfare and alternatives to animal experimentation-Members.

**5. Chairman of Committee.** - The Central Government shall nominate Additional Secretary or equivalent or Joint Secretary, in-Charge of Animal Welfare to be its Chairman.

**6. Member-Secretary of Committee.** – The Central Government shall nominate Joint Commissioner or Deputy Commissioner, in-Charge of Animal Welfare to be its Member-Secretary.

**7. Casual Vacancies.** - (1) Any casual vacancy arising in the office of a Member shall be filled by Central Government in the manner provided in one or the other of the clauses of rule 4, according to the capacity in which such person had found a place in the Committee as a Member.

(2) A Member appointed to fill a casual vacancy shall hold office as long as the Member whose place he fills would have been entitled to hold office, if the vacancy has not occurred.

**8. Resignation.** – (1) A Member, other than the Chairman, may by a letter addressed to the Chairman, resign from membership.

(2) The Chairman may resign from membership by a letter addressed to the Secretary to the Government of India of the administrative Ministry.

(3) A resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of resignation, whichever is earlier.

**9. Removal from Committee.** –The membership of a Committee Member may cease, if a Member:-

- (a) absents himself from three consecutive meeting of the Committee without the leave of the Committee; or
- (b) has been adjudged as an insolvent, or;

- (c) has been accused of an offence involving animal cruelty and moral turpitude; or
- (d) has become physically or mentally incapable of acting as such Member.
- (e) has violated the condition of confidentiality of Membership.

**10. Tenure of Committee. - Committee shall be reconstituted from time to time on the expiration of every three years from the date of its reconstitution, as per rule 4.**

**11. Functions of Committee. - The Committee shall discharge the following functions, namely;**

- (a) registration of establishments engaged in breeding of animals and conducting experiments on animals and renewal of registered establishments.
- (b) constitution, re-constitution and revision of the Institutional Animal Ethics Committee.
- (c) approval of animal house facilities for Small and Large animals.
- (d) examination of research protocols for experimentation on animals or pre-scrutiny of research protocols on large animals and their approval.
- (e) inspection of animal house facilities of establishments, institutes and centres where experimental animals are kept for research, production of Biopharmaceuticals and Breeding purpose.
- (f) conducting conference, seminar, workshops, nominee trainings and the like for the awareness of laboratory animal welfare and ethics and to promote the principles of the replacement, reduction and refinement with respect to use of animals for experiments and teaching or training purposes and to recognise the available non- animal methods and non-animal derived biological products as per the mandate of Committee.
- (g) to advise the Government regarding the welfare of animals meant for experimentation in research institutions, pharmaceutical companies and educational institutions.
- (h) to ensure implementation of rules and guidelines of the Committee made under the said Act for welfare of animals.
- (i) analyse inspection reports submitted by the nominee of Committee and scrutinise the minutes of the Institutional Animal Ethics Committee meeting submitted by the establishment.
- (j) make efforts to tap more and more establishments housing laboratory animals and bring them under the ambit of the Committee.
- (k) any other work related to Laboratory Animal Welfare as per the mandate of the Committee assigned as per the said Act.
- (l) revision of the guidelines of Committee, their dissemination, implementation and monitoring.
- (m) grading of animal house facilities purpose wise categorically like that:-
  - (i) Medical college set up,
  - (ii) Pharmacy college set up,
  - (iii) Veterinary college set up,
  - (iv) Research Institute set up,
  - (v) Pharma industry set up,
  - (vi) Vaccine industry set up,
  - (vii) Life sciences University set up, and the like.
- (n) maintenance of database on the available non-animal methods for experiments, teaching and training.

**12. Meetings of Committee. - (1) The meeting of the Committee shall be held once in every month.**

(2) The meetings shall ordinarily be held at the headquarters of the Committee but the Chairman may, if necessary, fix the venue of the meetings at places other than the headquarters of the Committee.

**13. Disposal of business. - (1) The applications or proposals received in the office of the Committee through its dedicated web portal shall be considered and processed as per the following timelines:-**

Serial Number	Activities	Timelines
1	Approval of registration and constitution of Institutional Animal Ethics Committee or Amendment in registration	seven working days



2	Renewal of registration and re-constitution of Institutional Animal Ethics Committee or Revision of Institutional Animal Ethics Committee or Change of Nominee	three working days
3	Pointing out deficiency and rejecting the protocol back to the organization by the Committee	three working days
4	Evaluation of the protocol by sub-committee of Committee and forwarding to the Committee for consideration	seven working days
5	Evaluation and decision on the Large Animal research protocols, if all other prerequisites as per Committee are fulfilled.	thirty working days
6	Committee Meeting	once in a month

- (2) The above timelines are subject to submission of all the requisite details and documents by the establishments.
- (3) All matters wherein the deliberation of the Members of Committee is required shall be considered either at its meeting or by circulation of papers.
- (4) When a matter is referred by circulation of papers, any Member may request that the matter may be considered at a meeting of the Committee and thereupon the Chairman may direct that it to be so considered.
- Provided that if three or more Members make such a request, the Chairman shall direct that it be so considered.
- (5) The proposals shall be considered deemed to be approved, if it is lying pending for more than one month even after completion of proposal in all respect or the Committee did not deliberate on the proposal for one month.
- (6) The proposals shall be considered rejected if the queries or clarifications raised by the Committee are not replied or complied with within the stipulated time.

**14. Annual General Meeting. - (1) There shall be an Annual General Meeting once in a year.**

- (2) At one of its General Meeting each year, the Member-Secretary shall submit the annual report and the yearly accounts of the Committee for the working of proceeding financial year for the approval of the Committee.

**15. Special Meetings. – (1) The Chairman shall convene a special meeting of the Committee on the written requisition of fifteen Members of the Committee.**

- (2) Any requisition made by the Members of the Committee shall specify the object of the meeting proposed to be called and shall be left at the address of the Member-Secretary or posted to his address.
- (3) Upon such requisition, the Chairman shall give notice of a meeting to be held within thirty days after the receipt of such requisition.

**16. Notice of Meeting. – Every notice calling a meeting of the Committee shall state the date, time and place at which such meeting will be held and shall be served upon every Member of the Committee not less than seven days before the day appointed for the meeting, other than the Annual General Meeting in which case the period of notice shall be not less than fifteen days.**

**17. Quorum for Meetings. – Eleven Members of the Committee shall form a quorum at every meeting of the Committee;**

Provided that at any meeting in which less than eleven members are present, the Chairman may adjourn the meeting to a date not less than fourteen days later and inform the Members present and notify other Members that he proposed to dispose of the business at the adjourned meeting irrespective of the quorum and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

**18. Procedure at Meetings. -(1) If the Chairman is not present at any meeting of the Committee, the Members shall choose one among themselves to be the Chairman of the meeting.**

- (2) In case the difference of opinion amongst the Members at the meeting of the Committee, the opinion of the majority shall prevail.
- (3) Each Member shall have one vote and if there shall be equality of votes on any matter to be decided at a meeting of the Committee, the Chairman of the meeting shall have a casting vote.
- (4) No business which is not on the agenda shall be considered at any meeting without the permission of the Chairman.
- (5) The consensus of the Members present in a particular meeting shall prevail.

Provided that if any Member places on record an objection to any protocol on the basis of availability of an alternative to use of animals, such a protocol proposing to use an animal shall be rejected.

Provided that if any Member places on record an objection along with scientific justification, seeking reduction of the number of animals proposed to be utilised in any protocol being deliberated upon, the Committee shall seek an explanation and justification for the proposed number of animals from the applicant before further deliberations.

**19. Powers of the Committee to appoint other Committees and sub-Committees and to co-opt persons therein. – (1) The Committee may resolve to constitute such other Committee or sub-Committees from amongst its Members for the administration of its affairs and for carrying out its functions.**

- (2) The Committee may co-opt such persons to the Committees or sub-Committees appointed under sub-rule (1) as it considers necessary and suitable, and may permit them to attend the meetings of such Committees or sub-Committees and such persons shall include subject-matter experts, including experts in animal-free experimentation methods, from government organisations, non-government organisations, and the public sector.
- (3) A person co-opted under sub-rule (2) for any purpose shall have the right to take part in the discussions relevant to that purpose, but shall not have the right to vote.
- (4) No official or non official Member of Committee shall be nominated as member of Institutional Animal Ethics Committee of his institution or other institutions.

**20. Allowances. – (1) The Member, other than ex-officio Member, shall be paid such honorarium as may be determined by the Central Government.**

- (2) A sitting fee of rupees six thousand shall be provided to all the non-official Members of the Committee or sub-Committee and other Expert Committees or the amount prescribed by the Ministry of Finance, Government of India time to time for sitting fees.
- (3) A Member of the Committee who is not an official shall be entitled to draw Travelling Allowance and Incidental Expenditure in respect of any journey performed for the purpose of attending a meeting of the Committee or sub-Committee thereof or any other association or institution to which he is appointed or nominated as a representative of the Committee or any other journey in connection with the work of the Committee performed under the direction of the Chairman.
- (4) A Member of the Committee who is an official shall be entitled to draw, in the circumstances mentioned under sub-rule (3) travelling and daily allowance in accordance with the travelling allowance rules applicable to him from his organisation or Ministry or Department.
- (5) Where a person who is not official or a Member is asked by the Chairman of the Committee to perform any journey for the purpose of attending a meeting of the Committee or sub-Committee thereof or any other journey in connection with the work of the Committee he shall in respect of such journey be entitled to the payment of travelling or conveyance allowance or daily allowance at the rates as per the Government of India guidelines for entitlement of class-I officer.

**21. Powers and duties of Chairman. – (1) The Chairman shall preside over meetings of the Committee.**

(2) The Chairman shall be responsible for the proper functioning of the Committee and the implementation of its decisions and the discharge of its duties under the Act.

(3) The Chairman shall, –

- (a) cause important papers and matters to be presented to the Committee as early as practicable;
- (b) cause to be maintained on account of the receipt and expenditure of the Committee;
- (c) cause an annual report of the working of the Committee to be prepared which after being approved at its Annual General Meeting shall be submitted to the Central Government;
- (d) authorise a member or any other person to proceed on work connected with the Committee to any part of India;
- (e) institute criminal proceedings against employees;
- (f) exercise such administrative control over all employees of the Committee; and
- (g) approve proposals for Travelling Allowances and other remuneration such as sitting fees of the Members or Officials or Staff of the Committee as per extant Government of India procedures.

**22. Powers of Member-Secretary. – (1) The Member-Secretary shall work under the general control of the Chairman who may delegate to him all or any of the following powers and duties namely:-**

- (a) convening of meetings of the Committee for under the direction of the Chairman;
  - (b) drawing up agenda for each meeting under the Chairman's directions and applying the same to each Member of the Committee, along with the notice of the meeting;
  - (c) maintenance of minutes of meetings of the Committee;
  - (d) furnishing to the Central Government copies of all reports, including annual reports and returns and necessary documents required under the Act or the rules; and
  - (e) preparation of the annual budget of the Committee.
- (2) The Chairman may, with the permission of the Committee, delegate to the Member-Secretary any other function of the Committee or of the Chairman.
- (3) The Member-Secretary shall exercise such financial powers delegated to him as per the provisions laid down in existing General Financial Rules or amendments made there under and the procedures laid down in various orders by Ministry of Finance, Department of Personnel and Training, Ministry of Law and Justice, Ministry of Urban Development and Central Vigilance Commission from time to time.
- (4) Delegated powers shall not be further re-delegated to sub-ordinate officer and Head of Department or organisation shall be responsible for the correctness, regularity and propriety of the decisions taken by them within delegated powers so authorised.
- (5) The Member-Secretary shall keep a record of the Members of the Committee and their addresses.
- (6) If a Member changes his address, he shall notify his new address to the Member-Secretary who shall thereupon enter his new address in the record, but if the Member fails to notify his new address, the address on official record shall for all purpose be deemed to be the Members' address.

**23. Fund of Committee. - (1) In accordance with the sub-section (4) of section 15 of the Act, the funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person except from individuals or parties with any potential bias or stake in its decisions, including any one or any group that uses animals for experiments or teaching or training purposes.**

- (2) The Committee shall divide the Grants in various head of expenditure and allot the grants in those heads which shall be approved in the first meeting of financial year followed by the approval of the Integrated Finance Division of the administrative Ministry while sending demands for Grants.
- (3) The income of Committee through registration and renewal fee, and any other fee or penalty or charges (such as late fee etc) imposed by the Committee on institutions regulated by the Committee.

**24. Preparation and Submission of Annual Budget Estimates. – (1) The budget estimates of the Committee for every financial year beginning with the 1st day of April and ending on the 31st day of March following shall be prepared by the Member-Secretary.**

- (2) The Committee shall consider and approve the budget estimates with such changes as it thinks fit at the meeting fixed for the consideration of the budget estimates.
- (3) The budget estimates as approved by the Committee shall be submitted to the Central Government for their formal approval before the 31st March or such other date as the Central Government may fix for the purpose.
- (4) Subject to such orders as may be issued by the Central Government from time to time, no expenditure shall be incurred until the budget is sanctioned by the Central Government and expenditure authorised by a competent authority in the Committee.

**25. Supplementary Estimates. – If, during any financial year, for any reasons, substantial modification in the budget estimates as finally approved by the Central Government is likely to be involved, the Committee shall submit for approval to the Central Government supplementary estimates in such form and on such date as the Central Government may direct.**

**26. Investment and Withdrawal of Money. – (1) The bankers of the Committee shall be State Bank of India.**

- (2) All funds of the Committee shall be paid into Committee's account and shall not be withdrawn except on cheques signed by the Member-Secretary.
- (3) The cheque books shall remain in the personal custody of the Member-Secretary.

**27. Permanent Advance. – The Member-Secretary shall withdraw a permanent advance of rupees ten thousand to be re-couped as and when required, to meet the petty expenditure of the office of the Committee.**

**28. Accounts and Audit. – (1) The Committee shall maintain proper accounts and other relevant records.**

- (2) The accounts of the Committee shall be audited annually by the Comptroller and Auditor General of India or by any person appointed by him in this behalf and any expenditure incurred by him in connection with such audit shall be payable by the Committee to the Comptroller and Auditor – General of India.

- (3) The internal audit may also be carried out by the Integrated Finance Division of administrative Ministry or the internal Auditor appointed by the Committee.
- (4) The Comptroller and Auditor – General of India and any person appointed by him audit the accounts of the Committee shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor – General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Committee.
- (5) The audit and accounts report shall be placed before the Annual General Meeting of the Committee for consideration.
- (6) The accounts of receipts shall include a statement of all sums received by the Committee during the financial year which shall be shown under the following heads namely:-
  - (a) money received from the Central Government;
  - (b) processing fee received from establishments;
  - (c) other moneys received by the Committee; and
  - (d) interest accrued from the investment of such money as aforesaid.
- (7) The receipts shall be shown under each of the heads specified under sub-rule (6) and the opening balance shall also be stated.
- (8) The expenditure incurred during the financial year shall be shown under the following heads, namely:-
  - (a) administration of the Committee including payment of salaries, travelling expenses and the like;
  - (b) measures taken in connection with the functions of the Committee, each item shall be shown separately; and
  - (c) miscellaneous.
- (9) The closing balance for the financial year shall be shown at the foot of the accounts on the expenditure side; and
- (10) The Committee shall maintain accounts as per the Financial Rules laid down by the Ministry of Finance.

**29. Staff of Committee.-** (1) As per section 16 of the said Act, subject to the control of the Central Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties and may determine the remuneration and other terms and conditions of service of such officers and other employees.

(2) The office of the Committee shall engage manpower as may be required by them time to time for performing its functions after taking the approval from the Committee.

**30. Expenditure for the Function of Committee. -** (1) All the expenditure to be made as per General Financial Rules, laid down by the Ministry of Finance as per delegation of financial powers from time to time.

(2) The Member-Secretary shall be empowered to incur expenditure as per the delegation of Financial Powers delegated to him from time to time with the concurrence of Integrated Finance Division and with the approval of Secretary of the administrative Ministry and in pursuance of the Delegation of Financial Power Rules, 1978.

**31. Asset. -** The Assets of the Committee created out with the expenditure of the Government fund to be maintained in the Committee through a register of assets.

[F. No. V-11011(14)/2/2021-CPCSEA-DADF]

Dr. O. P. CHAUDHARY, Jt. Secy.

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಮಂಗಳವಾರ, ೧೪, ಮಾರ್ಚ್, ೨೦೨೩

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಆರ್. ಶ್ರೀನಿವಾಸ)  
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

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